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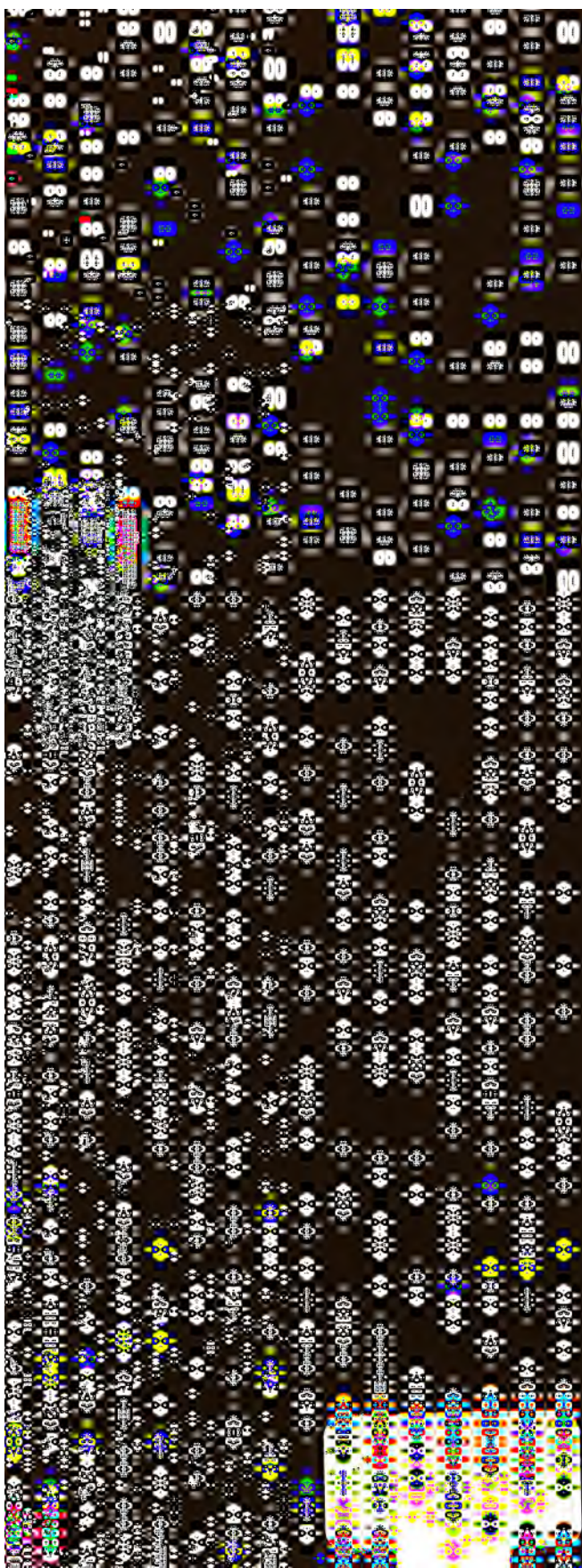
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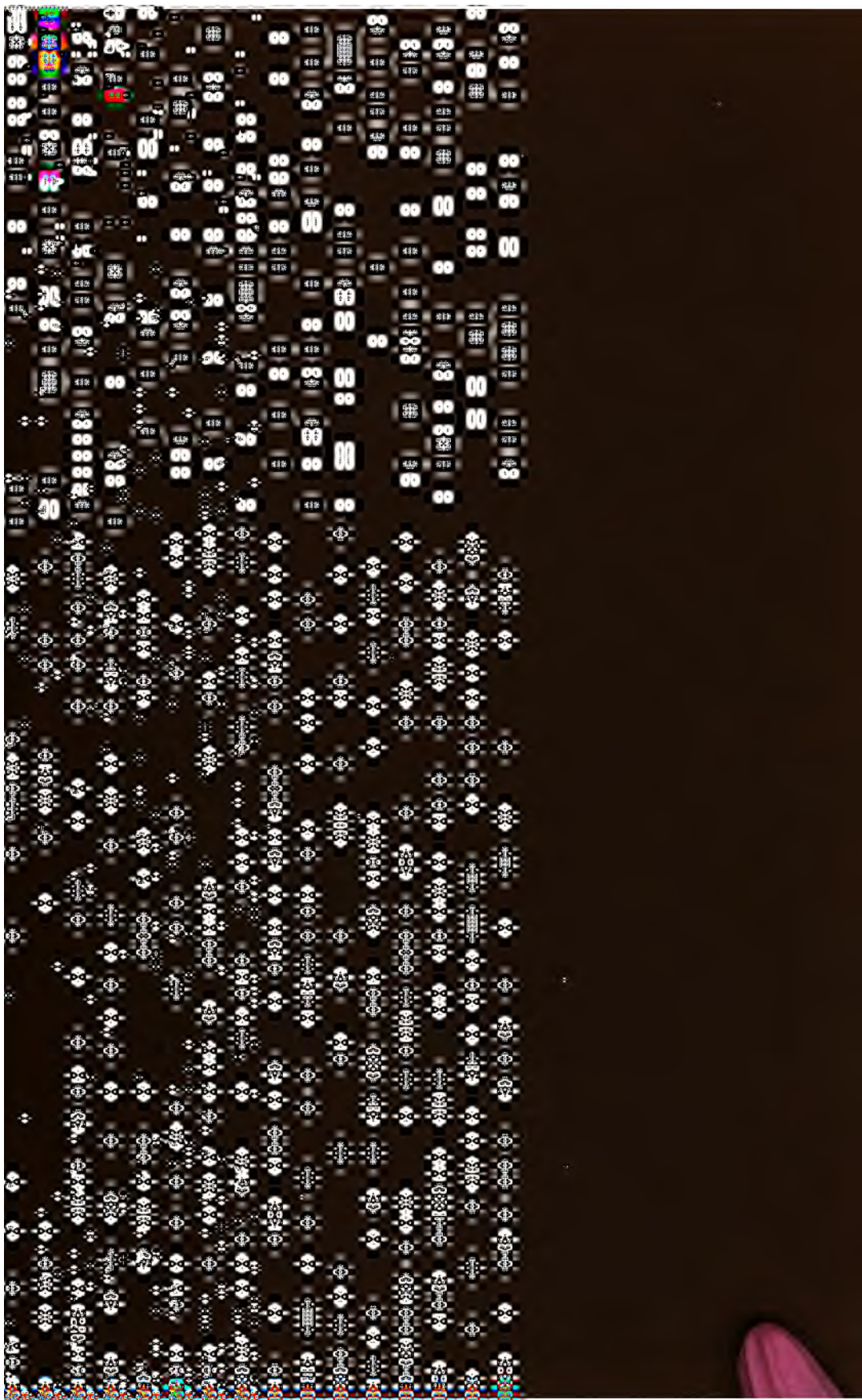
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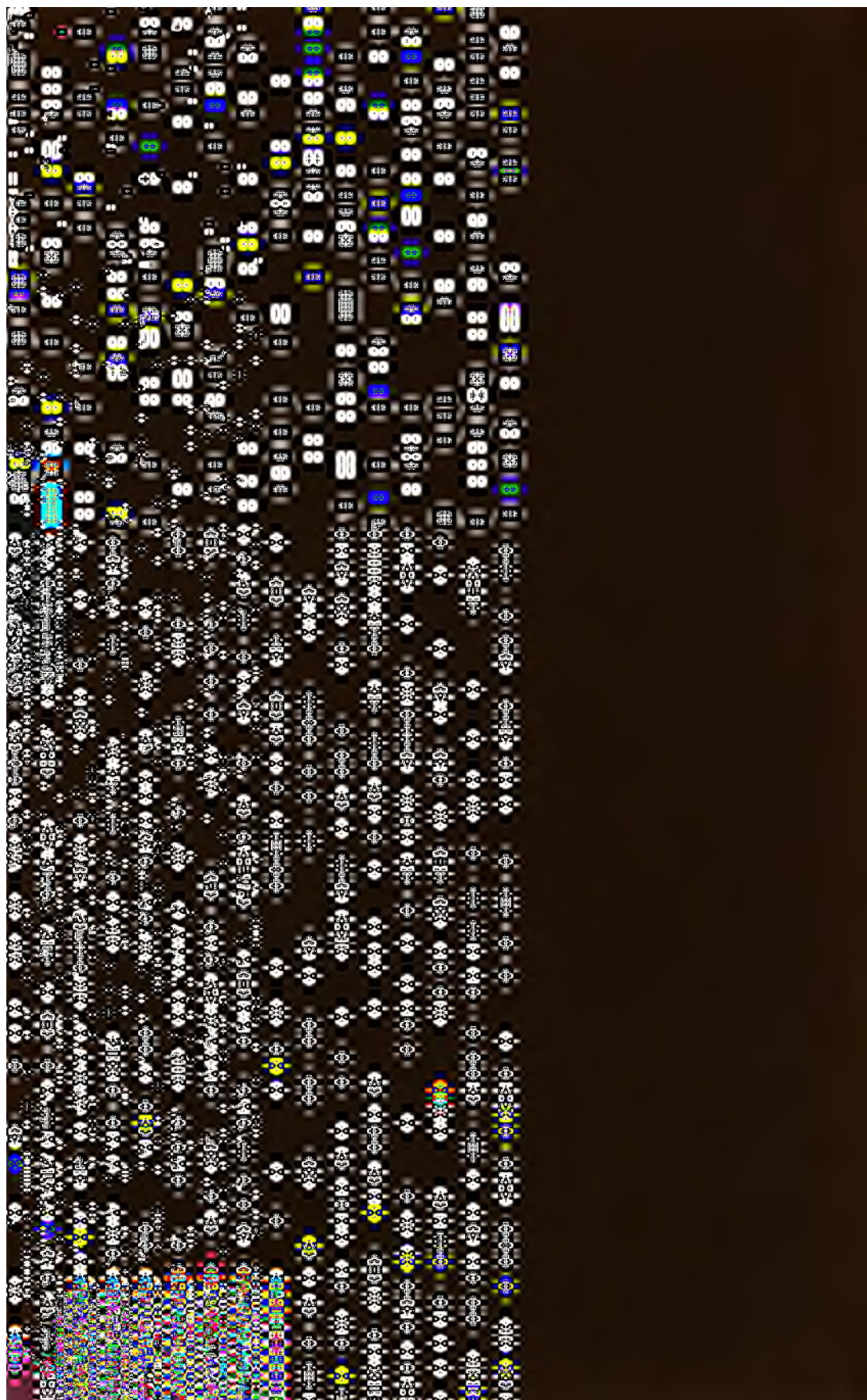
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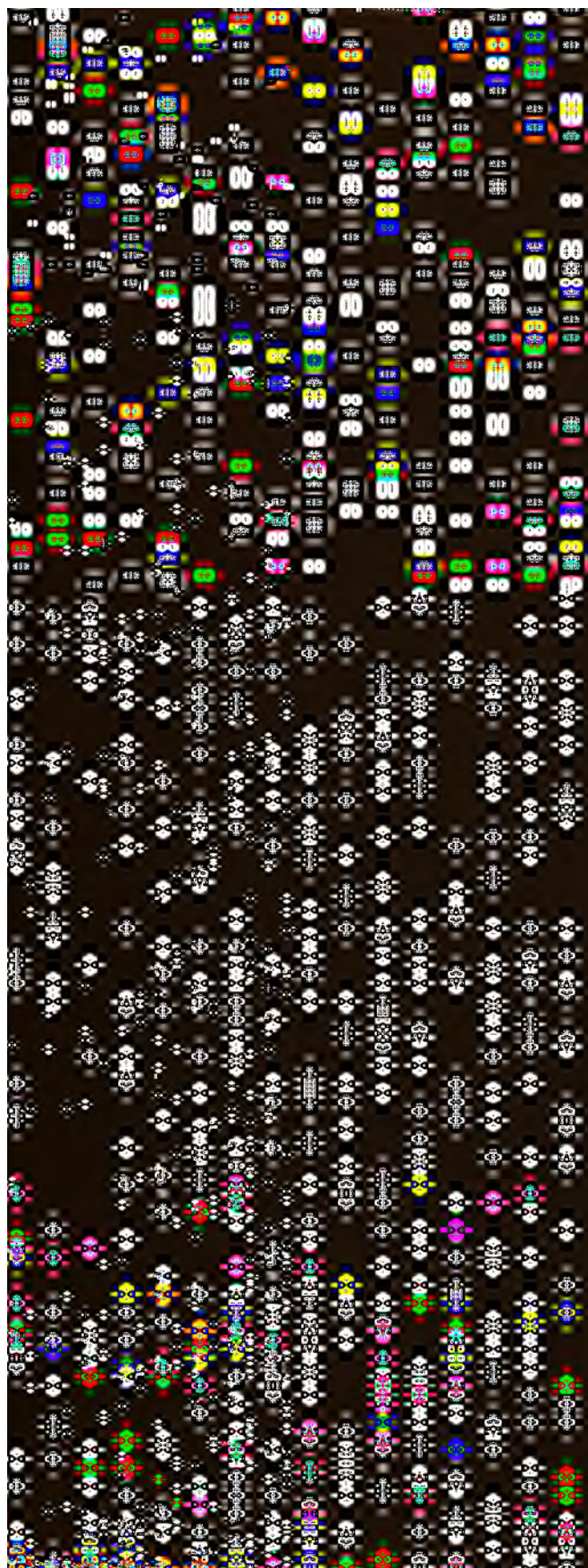
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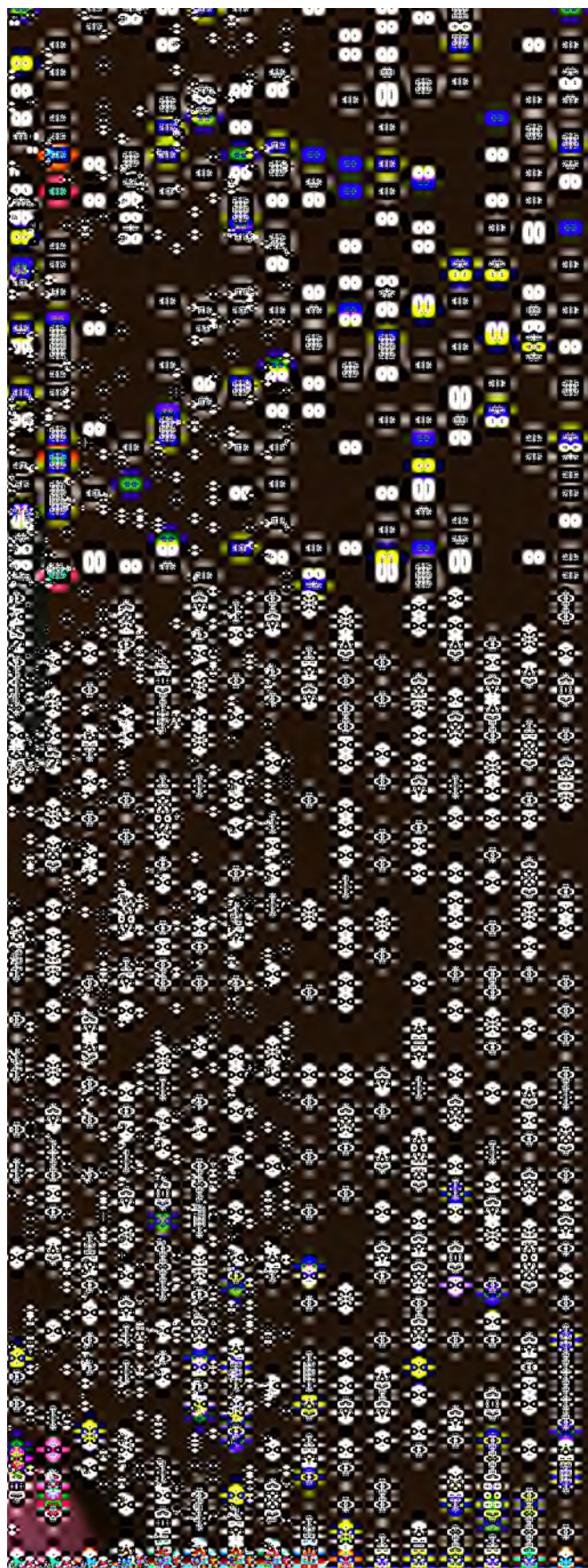
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JPN
EX

THE
MINING LAWS
OF THE
REPUBLIC OF COLOMBIA,
WITH *laws, statutes, &c.*

A SHORT EXPLANATION OF THEIR APPLICATION
AND
OFFICIAL FORMS FOR NOTICES, DENOUNCEMENTS
AND APPLICATIONS FOR TITLE.

TRANSLATED AND EDITED
BY
CHARLES BULLMAN, M.E.

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To
His Excellency, RAFAEL NUÑEZ,
Statesman, Jurisconsult and Poet,
President of the Republic of Colombia,
this translation is dedicated, with the hope that it may
assist the cause for which he has labored so
long and well, the progress and
welfare of the Republic.

Á
Su Excelencia, DR. RAFAEL NUÑEZ,
Estadista, Jurisconsulto y Poeta,
Presidente de la República de Colombia,
dedicase este traducción con la esperanza de que pueda
ayudar á la causa por la cual el ha trabajado por
tanto tiempo y con tan feliz éxito :—el pro
greso y bienestar de la República.
El Traductor,
CHARLES BULLMAN, M.E.

INTRODUCTION.

The present Mining Laws of the Republic of Colombia had their origin in the old Spanish Mining Laws which formed part of the *Ordenanzas de Castilla*, which were in force more than 300 years ago.

That part of the Ordinances which applied to Mining was entitled *Ley IX., Titulo XIII., Libro VI. de la Recopilacion Castellana*. At a later date these Ordinances were revised and issued as the *Novisima Recopilacion*, of which Titulo XVIII., Libro IX. included a number of laws relating to mining. Ley 1 declared the right of the Crown to mines of gold, silver and other metals, and to wells and deposits of salt. It also prohibited the working of such mines without a license. Ley 2, Don Juan I. of 1387, granted the privilege of searching for mines in lands of private and other ownership, and the privilege of working such mines upon the payment of a tax equal to one-third of the net profits. Ley 3, Don Felipe II., 1559, claimed that all mines of gold, silver and mercury were the patrimony of the Crown, and stated the conditions under which such mines could be worked. Ley 4, Don Felipe II., 1584, consisted of new provisions concerning the discovery, mining and working of gold, silver and quicksilver mines and ores.

When Colombia, then known as Nueva Granada, achieved her independence in 1821, under the leadership of the immortal Bolivar, various laws were enacted under the title of *La Recopilacion Granadina* (Oct. 24, 1829,) of which Ley 10, Parte 4, Tratado 5e, was entitled *Reglamento sobre Minas*. Article 38 of this law enacted that until a proper Mining Code could be formed, the provisions of the *Ordenanzas de Minas de Nueva Espana* (Mexico)

INTRODUCTION.

were to be observed; always provided that such provisions were not contrary to the provisions of Law 10, or to former laws still in force, which were amended by it.

In 1857 Granada adopted a Federal constitution and the Province of Antioquia became a State of the same name. The Legislature of this State, which has held and still holds the first rank among the mining States of Colombia, on October 3, 1864, passed a law, known as Ley 38, which repealed all existing mining laws. But the provisions of this law were quickly found to be very unsatisfactory, and almost immediately after its passage the State Legislature began to study the provisions of a new and more complete law on the subject; a law which would encourage mining, and which, while interesting and affording protection to capital invested in the mining industry, would at the same time provide that the mining lands, granted by the State in fee simple, should yield a revenue to it. The result of their labors was Ley 127, passed October 21, 1867, and known as the *Código de Minas de Antioquia*. This law forms the nucleus of the present Mining Law of the Republic of Colombia. The Code was first amended by Ley 209, passed November 2, 1871, but the amendments failed to give satisfaction and they were repealed and others were substituted by Ley 292, passed September 20, 1875. The last amendments made by the Legislature of the State of Antioquia were passed December 4, 1877, and were known as Ley 38. Concerning this law, it is to be observed that two of its articles have been suspended by the Federal Supreme Court, on January 13, 1879. Article 4 of Ley 38, declared excepted from denouncement the bed and banks of the Cauca River to high flood mark (vide page 85). The suspension of this article was only partial, the Court deciding that the provisions of said article could in no wise affect the rights *already* acquired at the time of its passage. Article 7 of Ley 38 provided that where the working of a mine was suspended, the owner of another mine could take for his mine the water used in the first. (Vide page 86). This provision was declared unconstitutional by the Supreme Court and was totally suspended.

Such were the Mining Laws of the State of Antioquia up to 1886. After the Revolution of 1885, the autonomy of the various States came to an end by National Legislative enactment and the governing power was centralized at Bogota, the States becoming Departments of the same name, the Executive Power of which

INTRODUCTION.

is administered by Governors appointed by the President. In 1887 the National Legislature, in order to encourage and develop the Mining Industry of the Republic, adopted as the National Mining Code, the Code of the old State of Antioquia together with the amendments and additions provided for in Laws 292 and 38.

In making this translation I have used the *Codigo de Minas de Antioquia, Edicion Oficial*, printed at Bogota in 1886 by Pisano, as likewise the official editions of the Ley 292 and Ley 38, printed by the same publisher. The National enactments on the subject, passed since March 15, 1887, have been taken from the *Diario Oficial* of Bogota and various official year books published since that date.

I have also consulted the *Codigo Juicial* on procedure, and the *Codigo Fiscal* in so far as it relates to coal and guano mining. In making the translation I have availed myself of the *Tratado de la Legislacion de Minas de Antioquia* by F. de P. Muñoz published and issued as an official exposition of the law by the Department of Antioquia in 1886. I have also had the benefit of the opinions of several prominent lawyers of Colombia on some doubtful points, and have had likewise the experience due to having been personally concerned in several suits brought before the Circuit Court of the Province of San Juan.

The Translator,

CHARLES BULLMAN.

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MINING LAWS

OF

COLOMBIA.

LAW 38.—MARCH 15, 1887.

The National Legislative Council Decrees that the Nation adopt the Mining Code of the dissolved State of Antioquia.

ARTICLE 1.—To adopt the Mining Code of the dissolved State of Antioquia as likewise additions and amendments made, with the exception of that part of Law 38 of 1877, which was declared unconstitutional by the Supreme Court.

ARTICLE 2.—The mines of Gold, Silver and Platinum are denounceable under the conditions of the Code adopted and established by this law. Mines of precious stones are also denounceable, but the size of such mines shall be limited to a square kilometer.

Other mines with the exception of Coal,* Guano and Salt are also denounceable with the following extension of area:—Those of veins, according to the Code. Those of sedimentary origin, such as iron, shall be of the size of alluvial mines, viz:—a square of five (5) kilometers. This shall not act to the prejudice of mining rights already acquired.

ARTICLE 3.—Alluvial mines forming the whole or part of private lands which are cultivated or used for farming, or raising stock can only be denounced by the owner or by his permission.

ARTICLE 4.—In those Departments where by former laws the owner of the soil was also owner of the subsoil, vein mines on private property, under cultivation or used for stock raising can only be denounced by the owner of the soil.

* See page 5.

WINE

WINE is a beverage made from the juice of grapes or other fruit, fermented with yeast. It is a popular drink in many cultures and is often associated with social gatherings and celebrations. The process of winemaking involves several steps, including harvesting the grapes, crushing them to extract the juice, and then fermenting the juice in a controlled environment. The resulting wine can be stored for months or even years before being consumed.

There are many different types of wine, each with its own unique flavor and characteristics. Some of the most popular types include red wine, white wine, and sparkling wine. Red wine is made from dark-colored grapes and is typically served at room temperature. White wine is made from light-colored grapes and is typically served chilled. Sparkling wine is made from a special type of grape and is characterized by its effervescent bubbles.

Wine has been consumed for thousands of years and has played a significant role in many cultures. It is often used in religious ceremonies and has been a source of inspiration for artists and writers. In addition, wine has been shown to have health benefits, including improving heart health and reducing the risk of certain diseases.

When drinking wine, it is important to choose a quality wine and to drink it responsibly. It is also important to pair the wine with food that complements its flavor. For example, red wine is often paired with red meat, while white wine is often paired with white fish or poultry. Sparkling wine is a popular choice for celebrations and social gatherings.

Wine is a versatile and enjoyable beverage that can be enjoyed in many different ways. Whether you are a seasoned wine enthusiast or a beginner, there is always something new to learn about this fascinating drink. So, the next time you are looking for a special beverage, consider trying a new type of wine.

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LAW 153 OF AUGUST 24. 1887, AMENDING THE
NATIONAL CODES.

PART 7, ARTICLE 313.—The size of an alluvial mine shall be either a square of three (3) kilometers on a side, or a rectangle, two (2) kilometers by five (5) kilometers. Sedimentary mines or those having the ore in layers or beds, shall consist of a square of two (2) kilometers on a side.

ARTICLE 314.—Owners of alluvial mines situated in or on cultivated land or lands used for stock-raising, can not work said mines without first denouncing them, the object of denouncement being to collect the required tax.

ARTICLE 315.—The non-establishment of works within eight (8) years from the date of the title will cause loss of the rights acquired, even though the annual tax be paid.

ARTICLE 316.—An equal or the same penalty will be incurred by those who, having established works, suspend operations for more than eight (8) years.

ARTICLE 317.—Articles 2 and 11 of Law 38 of March 15, 1887, are hereby amended, and Article 8 is repealed.

LAW 14 OF FEBRUARY 3, 1888, ADDITIONAL TO THE
CODE OF MINES.

The National Legislature Decrees :

ARTICLE 1.—For every denouncement of a mine a tax of five pesos (\$5) shall be paid into the National Treasury. This tax shall be paid at the principal office of the Postal Department or at the chief post-office in the capitol of the respective departments.

ARTICLE 2.—The writing of the denouncement shall be accompanied by the receipt of the tax collector stating that the tax has been paid. Without this requisite, the denouncement can not be proceeded with. The receipt can be written at the foot of the denouncement.

ARTICLE 3.—For each mine of precious stones whose area does not exceed that appointed in Article 2, Law 38 of 1887, there shall be paid five pesos annually. For mines of this class that have a greater area, there shall be paid five pesos for each square kilometer, and in proportion for every fractional part.

ARTICLE 4.—For alluvial mines, there shall be paid an annual tax of five pesos for each twenty-five square kilometers. Such portions as do not exceed five square kilometers, shall pay one peso, and in proportion for any excess.

ARTICLE 5.—For sedimentary mines, or bedded deposits, there shall be paid an annual tax of 10 pesos for each 25 square kilometers, and in proportion for any fractional part thereof.

ARTICLE 6.—Article 313 of the Law of 1887, had for its object only to fix the superficial area of alluvial mines that must be given in the future, and consequently has not the least application to the payment of the annual tax.

ARTICLE 7.—In virtue of the adoption of the Code of Mines, and laws amendatory to it, all its provisions have ruled and rule, even those which by their nature are of a transitory character, and of little application. These last provisions preserve such character, and shall cease to rule when they have accomplished their effects, according to their object and nature.

GIVEN IN BOGOTA, FEBRUARY 3, 1888.

The President, Carlos Calderon, R.

The Vice-President, Alejandro Botero, N.

The Secretary, Roberto de Narvaez.

The Government Executive. BOGOTA, February 3, 1888.

Publish and execute. ELISIO PAYOÜ. [L. S.]

The Minister of the Exchequer, VINCENTE RESTREPO.

LAWS RELATING TO COAL MINES AND PHOSPHATIC DEPOSITS.

ARTICLE I, 116.—*Fiscal Code* —The Republic reserves to itself the ownership in the coal mines and deposits, and in the deposits of guano, and of such other like fertilizer as may be found in the unsettled lands of the nation, or in the lands which may belong to it by reason of any other distinct title.

ARTICLE I, 117.—Said mines and deposits shall not be understood as sold or adjudicated along with the lands, but shall be developed for account of the Republic by virtue of such contracts as the Executive Power may make for that purpose.

ARTICLE I, 118.—The contracts which the Executive Power may enter into for the development of the coal mines and fertilizer deposits, the ownership whereof the Republic has reserved to itself, may be carried out without the necessity of obtaining the approval of Congress, always provided that the contracting parties shall accept the following clauses :

1. That the duration of the contract shall not exceed fifty (50) years.
2. That upon the expiration of said contracts, the wagon roads, railroads, machines, machinery, and in addition thereto, the elements (*elementos*) employed in the exploitation by the parties engaged therein shall, by gratuitous title, become the property of the Republic.
3. That the benefits accruing to the Republic from said exploitation shall not fall below fifteen (15) per cent. of the net profits of the business.

MINING CODE OF ANTIOQUIA.

(Adopted October 21, 1867.)

THE LEGISLATURE OF THE STATE OF ANTIOQUIA ENACTS :

CHAPTER I.

PRELIMINARY PROPOSITIONS.

ARTICLE 1.—The mines existing in the lands of the State belong:

1. Emerald and Rock Salt mines, to the Nation.
2. Gold, Silver, Platinum and Copper, to the State.
3. All other mines, of any class whatsoever, to the owner of the soil.

ARTICLE 2.—The State grants the possession and ownership of its mines to all persons, native or foreign born, who according to the common laws possess the legal right to acquire them ; in the forms and under the conditions herein expressed.

ARTICLE 3.—Mines are an integral part of the land in which they are situated, and legal possession of them carries with it the understood right of the service and use of the land necessary for their workings, as well as of the other materials which are found in the same place in which the mines are discovered, or in their immediate vicinity, and which may be needed to work them ; all according to the forms and terms established by this law.

ARTICLE 4.—The control or ownership of mines is acquired by one of the following ways :

1. By concession from the Executive Power in accordance with the laws ; giving corresponding title in legal form.
2. By any other means of transferring title in conformity with the common law, provided always that the grantor possesses a valid title, or that he obtains it in accordance with the provisions of Chapter VII. of this law

CHAPTER II.

THE DISCOVERY OF MINES.

ARTICLE 5.—Any person who, according to this law, can acquire the control and ownership of mines, has the right to search for, discover, and examine any mine of the State, but under the following restrictions :

1. It can not be done within the boundaries of any settled place, or within the distance of 100 meters of its outskirts ; but when the works of the mine are receding from the settlement, and there appears to be no probable injury, near or remote, to it from the mine, the police, in such case, can grant permission to work the mine, the works of which, however, must be suspended at the moment any damage threatens the settlement.

2. Nor within the court-yards, gardens, cultivated places, or grounds of rural places, except by the owners thereof.

3. In other lands closed in and under permanent cultivation, mines can neither be explored nor examined without having first notified the owner of the land, or he who has charge of it, and without giving the caution named in Article 197. The person to whom the notice mentioned is given can not impede the discovery, examination or exploration of the mine, neither can he avail himself of the said discovery in order to denounce it himself.

4. In all other lands the exploration and work can be done without prejudice to the caution alluded to in the preceding article.

ARTICLE 6.—By the first discoverer of a mine is to be understood the person who first gives the notice spoken of in Article 8, providing he preserves his right in conformity to what is shown in Article 118.

If he who gives the notice referred to should lose his right, that one is called the first discoverer who first afterwards claims it ; that is to say, he who first gives the notice spoken of in Articles 346 and 367, providing he holds his right to the mine according to what is set forth in Articles 124 and 380. He also is called first discoverer who acquires the right to a mine according to Articles 78 to 83, 350 and 351.

If a person gives the notice spoken of in Articles 8, 79, 346 and 367 in his own name when he should give it in the name of another person who made the discovery of the mine and

employed him to work upon it, or if he has been directed to give the said notice ; it will always be understood that he gave the notice in the interest of his employer, and it will be void if given illegally in his own name, consequently, the person employing him will be considered, for all legal purposes, the first discoverer of the mine, that is to say, the person for whose account the exploration of the mine was being made, or who had directed that the notice be given, is considered as the first discoverer.

ARTICLE 7.—The exploration and discovery of mines may be done by a person himself or by persons employed by him for this purpose, but the name and title of discoverer will always pertain to the person for whose account the exploration and discovery was made.

ARTICLE 8.—A person who wishes to acquire legal possession of a mine must first give notice, himself, or through another person, to the Municipal Judge of the district in which the mine is situated, indicating the locality and exact point where the mine is situated. If this point has not a distinct name by which it is generally known, it must be determined with perfect clearness by means of known points near by, in such a manner that in no case can it be confounded with another (property.)

ARTICLE 9.—The Municipal Judge shall keep a book in which to record the notices which may be sent to him in accordance with the preceding article. This book shall be kept in such a manner that it shall be impossible to insert or remove one or more leaves, and shall be paged and ruled by the Municipal Judge or his secretary, carefully stating at the beginning how many leaves it contains.

ARTICLE 10.—The record shall be made in the following order :

First shall be written the number corresponding to the notice, commencing at one and following in exact numerical order. Next, the date, written out in full, expressing as nearly as possible the hour (in which the notice is given). Next, he shall write out in full the circumstances required by Article 8 according to the statements of the discoverer.

There must be no erasures, alterations, or interlineations.

If any equivocal statements occur, explain them in a foot note expressing the doubtful word or phrase and giving the correct meaning intended. Lastly, it must be signed by the Muni-

cial Judge, the claimant, two witnesses, and the secretary.

If either of these witnesses does not know how to write, it must be so noted, stating that the record was read to the person, who had been called unexpectedly at that moment as a witness.

No person shall be allowed to witness who does not know how to sign his name, unless it is impossible to secure one who does know how to do so, in this case the fact must be noted.

ARTICLE 11.—Immediately after the notice spoken of in Article 8 has been given, it will be recorded as in Article 10, and a copy will be given the claimant on common paper.

ARTICLE 12.—The date of the record shall be considered the date of the discovery and will serve as the time from which the right of the claimant shall date.

The records found in the book named in Article 9, are presumed to be authentic, except when there appear alterations, erasures or interlineations which alter the sense of the record as appears by the copy given to the claimant, but in any case evidence against this presumption will be allowed in order to determine the partial or total falsity of the record.

ARTICLE 14.—Notwithstanding what is written in the preceding articles, the notice given the Alcalde, does not establish any right in favor of him who gives it, if the mines should come under any of the cases cited in Articles 78, 341 and 364.

ARTICLE 15.—Burial places and court yards of the Indians are declared to be the property of the persons who work them, such persons have the right to make explorations and to establish such works as are necessary, but this right can only be exercised when it does not damage public works, settlements, potable waters and private houses.

To this case also the restrictions of Article 5 extend.

CHAPTER III.

DIVISION, EXTENT, AND SURVEY OF MINES.

ARTICLE 16.—Mines by their formation and for the purposes of this law are divided into three classes :

1. Fissure mines, as of precious stones, silver and gold, called vein mines (*minas de veta*).
2. Sediment (bed) mines, such as those of iron and copper usually are.
3. Alluvial mines, formed in alluvial beds, with precious

stones or metals disintegrated by water, and which are generally called placer mines (*corridos*).

ARTICLE 17.—Vein mines with respect to the possible size that may be granted are divided into three classes :

1. Mines in newly discovered districts.
2. New mines in a known district.
3. New mines on a known fissure or one worked in part.

ARTICLE 18.—A mine is said to be in an absolutely new district (*cerro nuevo*) when there is no other mine either titled* or advised† within a distance of two and a half kilometers. This distance is measured along the surface of the land and not on a horizontal plane.

ARTICLE 19.—A mine is said to be new and in a known district (*cerro conocido*), when there is another mine titled or advised, within a distance of two and a half kilometers, and which is not less distant at its nearest part than six hundred meters. These distances are measured on the surface and not on a horizontal plane.

ARTICLE 20.—A mine is said to be new on a known lode when it is a continuation of the other mine.

ARTICLE 21.—The discoverer of a vein mine in a new district (*cerro nuevo*), has the right to three continuous claims (*pertenencias*). The discoverer of a new mine in a known district has a right to but two claims. The discoverer of a new mine upon a known lode has a right to but one claim.

ARTICLE 22.—For all purposes of this law, stringers (*hilos delgados*) crossed in various directions, will also be regarded as vein mines, when they must be separately registered.

ARTICLE 23.—The shape of each claim (*pertenencia*) shall be a rectangle, 600 meters long and 240 meters wide. Consequently, to one having the right to three claims, a rectangle 1,800 meters long and 240 meters wide will be given ; to one having a right to two claims, a rectangle 1,200 meters long by 240 meters wide will be given ; and to him who only has a right to one claim is given the rectangle as previously described (600 by 240).

ARTICLE 24.—In denouncing a mine, two fixed points must be given to determine the base line of measurement, also a third point must be given to indicate on which side of the base

*Vide, Article 70, Chapter 7.

†Vide, Article 8, Chapter 2.

line measurement shall extend. For this purpose the compass bearings may be given.

ARTICLE 25.—The measurements of the claim or claims shall be made on the surface and not on a horizontal plane.

ARTICLE 26.—For this measurement, the general description given in the denunciation is taken as a starting point in conformity with Article 24, but any alteration may be made by the claimant, if there are no mines adjoining, titled or denounced, and when there are such adjoining mines, if the owners or denouncers of the same shall agree to such alterations, always without prejudice to Article 41. Notwithstanding this the survey of the mine shall not be made in a locality or section different from that indicated in the denouncement.

ARTICLE 27.—The claim or claims that are measured must be clearly indicated by four land-marks, in the four angles or corners of the figure, constructed in such a manner that they may not be easily destroyed by the weather.

ARTICLE 28.—The size of a gold placer mine which will hereafter be granted must not exceed a square of five (5) kilometers on each side.

The discoverer who makes use of the right conceded to him by paragraph second of the following article will never have the right to receive an area more than five kilometers wide.

ARTICLE 29.—In the survey of placer gold mines, when the claimant wishes the maximum grant, the grant is determined by Articles 24, 26, and 27.

If the claimant is satisfied with less than the maximum grant, then there is no necessity of survey, but he must clearly define his claim by well constructed land-marks. But in thus defining his claim, Article 26 must be observed.

ARTICLE 30.—The new claimants (*restauradores*) of abandoned mineral claims are subrogated to the right of the original owners under the restrictions expressed in this law. Consequently, the new claimants of a mine have a right to the same number of claims as the original discoverer, and if said mine at the time of its abandonment, had a greater extension than the claims granted to the original owner, this excess must be denounced separately, or it will continue in its quality as an abandoned mine.

ARTICLE 31.—The claims granted a new claimant must form a complete whole in the form prescribed in Article 23,

so far as is possible without infringing upon the rights of a third party.

CHAPTER IV.

DENUNCIATION OF NEWLY-DISCOVERED MINES.

ARTICLE 32.—The discoverer of a mine who wishes to acquire it must denounce it within ninety days from the date of the discovery, in accordance with Article 12.

ARTICLE 33.—The denunciation shall be made in writing, addressed to the President of the State in the form and with the following conditions :

1. There must be clearly expressed the district, locality and exact situation of the mine, and reference made to three or four points best known around it and in its vicinity, in order that it may be impossible to confound it with any other.

2. If the place where the mine is discovered has no especial name, by which it is generally known, all necessary landmarks must be given in order that it may be impossible to confound it with any other.

In case it is necessary, the claimant can take two witnesses to the locality in order that they may identify the mine when possession is given. When this is done, it should be so stated in the papers of denunciation.

3. All data required by Articles 24 and 29 (necessary for the survey of the mine) shall be given.

4. Mention whether the mine is in unknown (*cerro nuevo*) land, or a new mine in a known district, or a new mine on a known lode, in accordance with the definitions contained in Articles 18, 19 and 20 (if this is a vein mine).

If it is the continuation of another mine, state in which direction the new mine extends.

5. State also the names of all owners, if more than one, and the part belonging to each ; this, however, does not prevent alterations in this respect in the future.

6. If the mine should be denounced by an ordinary company (*sociedad ordinaria*), the name of the president or director who has been elected in conformity with Article 283 must be mentioned in the denouncement.

7. After the signature of the claimant there must follow a note signed by the Administrator-General of the Treasury, stat-

ing that the claimant has paid the established fee, if there is any, also that he has presented forty-eight grains of gold from the mine discovered.

ARTICLE 34.—A copy of the record mentioned in Article 10 must accompany the papers of denunciation. The copy may be written upon ordinary paper.

ARTICLE 35.—When a written denunciation is presented to the Secretary of the Interior (de Hacienda) it shall be carefully examined to see if it conforms to the requirements detailed in the preceding articles, and if it lacks any or some of them, they should be clearly pointed out by the Secretary, and the papers returned to the claimant, with instructions to return them corrected within a given time.

ARTICLE 36.—If the claimant, within the given time specified, corrects his papers, it will be considered that he has complied with Article 32 and retains his rights.

ARTICLE 37.—With the written denunciation there must be presented a sample of the mineral, if from a vein mine. These samples will form a collection in the office of the Secretary of the Hacienda, and each must bear a label stating the number of the mine from which it comes. This collection will form the basis of a cabinet of minerals for the State, and each six months all of these specimens shall be forwarded to the Rector of the college of the State.

ARTICLE 38.—The forty-eight (48) grains of gold presented by the claimants of mines shall be preserved in the office of the Administrator of the Treasury and shall be exclusively applied to form a fund, that shall hereafter serve for the maintenance of a class in mineralogy in the State college.

ARTICLE 39.—If a company be formed to denounce a mine and in the written denunciation the names of one or any of the associates should be omitted purposely, they who make the omission shall forfeit their own rights in favor of the persons whose names they omitted, and this document for all legal purposes shall be considered as made for the persons whose names are omitted.

ARTICLE 40.—The denunciation of mines may be made by the parties directly interested or by some one else named by them.

ARTICLE 41.—When a mine is denounced as the continuation of another mine, the direction in which it lies from the first mine must be clearly stated, and the claims must imme-

diately adjoin. The owners of adjacent mines have equal rights.

ARTICLE 42.—In denouncing placer gold mines, the right of way for ditches is considered as applied for, but without prejudice to existing rights of other parties.

ARTICLE 43.—While the actual possessor is fulfilling the requirements of Articles 78, 350, 351 and 366, the mine can not be denounced by a second party.

CHAPTER V.

THE MANNER IN WHICH POSSESSION IS GIVEN.

ARTICLE 44.—When the papers are filed in accordance with Article 33, the Executive Power (Governor) shall order that the possession of the mine be given to the claimant, whatever may be the kind of mine.

ARTICLE 45.—In the same order (*misma providencia*) the Executive Power shall appoint a commissioner, a resident of the district in which the mine is situated, with power to give possession. If the mine is situated in two or more districts, the commissioner appointed may be a resident of either of them and will have power to execute all formalities necessary in the performace of his duties.

ARTICLE 46.—The executive power shall send the commissioner all the necessary papers, at the same time giving to him all needed instructions, accompanying the same with a public proclamation (*cartel*) which shall announce that possession of the mine is to be given. If these are to be carried by the claimant to the commissioner, he must deliver them to the commissioner within twenty days after the time required to reach him. If he does not so deliver them, the denunciation will be null and void.

In order to prevent misunderstanding in complying with the preceding provision, the claimant shall give his receipt, with the date of remittance to the Secretary of the Hacienda.

ARTICLE 47.—The time fixed by the above paragraph (which contemplates a prompt journey) may be extended provided that the claimant can furnish proof of serious sickness, or unavoidable delay in the delivery of said papers. Intervention of serious business engagements does not change the legal time

given, even by a single day, but the proof referred to must be furnished to the Executive Power and will be considered by him. but if there is opposition by a third party the affair must be presented to the court, although the matter has been decided by the Executive Power.

However, the decision of the Executive Power can not be changed by the court, if the dispute commences after possession has been given.

ARTICLE 48.—The commissioner must immediately post in a public place the cartel which announces that possession is to be given. This notice must remain for three consecutive weeks, and must bear the date of the posting and removal, and be signed by the commissioner and his secretary.

ARTICLE 49.—Besides the posting of the notice as above stated, the notice referred to must be published by the town crier upon each Sunday of the three weeks in which it is posted, and this shall be certified to by the commissioner and his secretary.

ARTICLE 50.—When the mine is situated in several districts, the Executive Power shall send to each one of them a cartel, in order that the commissioner may fulfill the formalities named in the preceding articles, after which they shall be returned to the commissioner.

ARTICLE 51.—If during the time the notice is posted there should be no opposition, the commissioner will proceed to the ground to give possession of the mine, previously citing the attendance of the owners or claimants of adjacent mines.

ARTICLE 52.—The commissioner when on the ground shall give immediate possession, if there is no opposition from those cited to appear.

At the same time the mine will be surveyed in accordance with Articles 21, 23, and 28.

Said survey shall be made by one or two experts, named by the commissioner, and taking into account the data given by the claimant in his denunciation and the provisions of Articles 25 and 29. This formality terminated, the corresponding record shall be made, and must be signed by the commissioner who gives possession, by the claimant who has received possession, and by the secretary, or in his absence by two proper witnesses duly sworn.

ARTICLE 53.—The possession may be given to the claimant

or to his representatives, legal or legitimate. For this purpose he may appoint a representative by a written notice to be given personally to the secretary of the commissioner or to the Alcalde of the district where he may be.

ARTICLE 54.—In the records of possession all permanent and prominent marks, as well as all boundary marks, should be clearly specified, in order that the location of the mine may be known in all future time.

ARTICLE 55.—If the commissioner is satisfied that the place to which he has been conducted to give possession is not that designated in the denunciation, he can demand of the claimant a full identification, and until this is done he shall not give possession. This identification shall be made before the commissioner, and the claimant, in case of injustice, can appeal to a higher authority.

ARTICLE 56.—In case there has been no opposition and the claimant has not demanded possession within sixty days following the termination of the posting of the notice, or if he does not hasten to receive it on the day appointed by the commissioner, unless unavoidably prevented, proof of which must be made, he will lose his right to the possession of the mine, which shall then be considered as legally abandoned.

ARTICLE 57.—If there has been opposition, in which judgment has resulted in favor of the claimant, or if the case is settled by agreement (*por transaccion*), the term of sixty days during which time possession must be demanded, will count from the day that the commissioner receives the decision, and which shall be sent to him as soon as possible by the judge of the cause. The same course must be taken by the judge in case the mine is declared deserted or the claim inadmissible.

ARTICLE 58.—The legal notices (*diligencias*) needed to secure possession of mines are to be made at the expense of the claimants, who must supply to the public officers, and experts employed in the case, food and means of transportation to the mine. They must also pay a fee to each officer of one peso for each notice of possession, and to each expert surveyor forty cents per hour for every hour in which he is employed at the mine, measuring it, and eighty cents for each ten kilometers of distance that he must go in order to measure it, but if by any omission of either of the officials or experts, the notice of possession shall be annulled, the officers must repeat the work

without charge, and if this is not possible, they must return the fees they have received.

CHAPTER VI.

OPPOSITION.

ARTICLE 59.—At any time from the date of the denunciation of the mine until the removal of the notice as provided by law, opposition may be made to the claim, but it must be in writing. It may be done verbally, naming in this case, however, all who are concerned in the act, and the same shall be extended by the proper authority.

ARTICLE 60.—The fact that there is no opposition does not interrupt the term of posting notices, which being terminated, the official records of the case shall be sent to the circuit judge, or to the judge competent to decide the case in accordance with Article 386.

ARTICLE 61.—Opposition can be made during the time indicated, not only before the commissioner employed to give possession, but also before the Executive Power or before the judge of the circuit court, in which cases the opposition shall be in writing and immediately sent to the commissioner in order that the formalities required by the preceding article shall be complied with.

ARTICLE 62.—Opposition may be made by the interested party in person, or by attorney, or by any person who gives security to the person employed to hear the opposition that he acts in good faith, for the person interested, and that his action will be approved by him. Of this security note must be made and signed by all parties concerned. The power of attorney can be given in accordance with Article 53.

ARTICLE 63.—Without being notified it is the duty of any opponent or opponents to come before the proper judge (in order to formulate their objections) within a period of nine (9) days from the time required to reach the court of the judge, after the termination of the notice.

In the official papers of the opposition, the date must be given of the termination of the posting of the cartel, in order that the judge, before whom the case is taken, can decide whether the opposition was made in proper time.

ARTICLE 64.—If the opposition is not formulated within the required time, the judge shall return the official papers to the

officer appointed to give possession, who shall then carry them into effect.

ARTICLE 65.—The owners of adjoining mines may make opposition at the time of giving possession when they believe that the measurement of the new mine includes all or part of their own, but the suit to which this opposition gives rise shall only be a suit in relation to boundary lines or marks in accordance with Chapter 23 of this law.

ARTICLE 66.—Any person who by reason of a former discovery pretends to a better right to all or part of the claims about to be given, can also offer opposition at this time, and in this case the judge shall decide which of the two claimants has the better right. Such persons can also offer opposition within the time mentioned in Article 59.

ARTICLE 67.—The opposers named in the two preceding articles, must formulate their claims before the proper judge within a period of nine (9) days, commencing from the time required to reach the court of the judge after the date upon which possession was to have been given.

ARTICLE 68.—During the opposition mentioned, the notice of possession is suspended, but judgment having been given concerning boundary marks and lines, or as to who has the best right by reason of discovery, the ruling set forth in Article 57 must be observed.

ARTICLE 69.—If there is opposition formulated in proper time, the judge shall proceed in accordance with Chapters 22 and 23.

CHAPTER VII.

TITLES.

ARTICLE 70.—By a title is understood the document given by the proper authority to the denouncer of a mine, in order that he may prove by it that the State has granted to him the possession and ownership of the said mine.

The name of title is also given to the document or deed obtained in accordance with the provisions of the Civil Code. Notwithstanding this a mine is said to be titled (*titulada*) only when it is possessed by the title spoken of in the preceding paragraph.

ARTICLE 71.—When the possession of a mine has been given

the commissioner who may have given it shall remit the official papers to the Executive Power of the department at the cost of the interested party, in order that the title may be made out. This title must be demanded not later than sixty (60) days after possession of the mine has been given. If within this time this is not done, the mine is considered legally abandoned.

This period can be extended if the claimant can prove that by severe sickness, or by violence, or other just cause he was unable to claim it. But if the legal time has expired, without having been extended, and if meanwhile another party has denounced the mine, it is the province of the judicial power to decide whether the time can be extended. This decision shall be given in the judgment in the suit thus raised.

ARTICLE 72.—It is understood that the title is claimed when the denouncer has paid into the treasury the legal fees and presented to the Secretary of the Hacienda the necessary stamped paper upon which to make it out.

ARTICLE 73.—Where there has been no opposition or when it has not been legally formulated, the title must contain a copy of the notices of all legal writings contained in the case.

ARTICLE 74.—When there has been opposition, properly formulated and a judgment has been rendered, the title must contain copies of the following papers :

- 1.—All notices made up to the time the papers were sent to the judge.

- 2.—All writings of demands and the answers thereto.

- 3.—The decision of the judge that was given, or the writings or notices of the mutual settlement, if by this means the dispute was settled.

- 4.—All the writings made after the decision or the mutual settlement referred to.

ARTICLE 75.—In all official papers of the denouncement of mines, the Secretary of the Hacienda must state over his signature whether the proper title has been made out.

ARTICLE 76.—If any one shall lose the title to his mine he may ask for a duplicate. In doing so, he should state in the application that the title said to be lost, was actually granted ; and he must prove the previous payment of the fees. If the mine has passed into other hands, the second owner has the same right as the first on making the same proofs. In any case, the new title must state the reason why it is issued.

ARTICLE 77.—If in a case before the court, a copy of the official denouncement of a mine is presented or a copy of the notices detailed in Article 74 ; and from this copy it appears that all legal requirements for the acquisition of the mine were complied with, including the right to the title, such copy will serve instead of the original title, if the said title was recorded.

ARTICLE 78.—He who possesses and works a mine by right of a title such as is spoken of in Paragraph 2, Article 70, and wishes to procure the title named in Paragraph 1, may do so without denouncing it, by complying with the formalities prescribed in the following articles.

ARTICLE 79.—First, he must appear before the Municipal Judge, in person or by his agent, and give notice in proper form that he owns a mine in conformity with the provisions of the civil code, and that he wishes a mining title from the Executive Power. This notice must be recorded in the book named in Article 9 and in the terms specified in Article 10, as they may apply.

ARTICLE 80.—All rights that may be acquired in virtue of the notice named in Article 8 are also acquired in virtue of those named in Article 79 ; and the formalities relating to the notices are the same in each case.

ARTICLE 81.—Within ninety days following the giving of the notice to the Alcalde, the claimant must appear before the Executive Power, prove in writing that he is in possession of the mine, that to this possession there is no opposition, that he has held possession at least five years, that the mine is being worked, and ask that a title be granted to him. The claimant can unite to the time of his possession that of the former owner from whom he derives his right.

Attached to this petition or claim must be a copy of the notice given the Alcalde as provided in Article 79.

ARTICLE 82.—If the Executive Power approves of the statement as presented, he will publish in the official journal an announcement, at the cost of the claimant, stating his claims, and if within three months following there shall be no opposition, a title shall be granted, containing the various notices and documents of the case. But before the title is delivered, the claimant must pay into the treasury the corresponding fees plus a third.

ARTICLE 83.—The claimant must claim his title within sixty days after the date of the decree granting his title.

ARTICLE 84.—If the claimant should not comply with the formalities prescribed in Articles 81 and 83, he will lose all right previously acquired by Article 79.

ARTICLE 85.—If within the time stated in Article 82 any opposition to the claim is made, the claim must be adjudicated by a competent court.

ARTICLE 86.—Paragraphs 2 and 3 of Article 71 and Articles 63, 64 and 72 are applicable to the case treated of by the preceding articles.

When the opposition has not been formulated, or when legal decision has been given, all the papers in the case must be presented to the Secretary of the Hacienda, and paragraphs 2 and 3 of Article 71 are applicable to the time stated in Article 83.

ARTICLE 87.—If the title under which the mine is worked in the case named in Article 78 should consist of a recorded deed (*escritura publica*), there will be no necessity of the publication of the announcement, referred to in Article 82, only the formalities established by Article 81 being complied with, the title shall be granted notwithstanding the opposition.

But if before making out the title a suit is brought regarding the ownership of the mine, this title can not be used as proof in the suit.

ARTICLE 88.—All titles granted shall be published in the official journal, with description of the location and measurement of each one, so that all may know, and may denounce any other mines unclaimed in the same locality. For the same purpose like notice must be published of those mines, whose claimants have failed to take out their titles within the time specified in Articles 71, 83 and 380.

ARTICLE 89.—All mining titles can be recorded or registered in the notary's office, and copies given by the notary will have the same force and validity as the original title. Copies of titles can also be registered, but, in this case, the copies given by the notary, to be valid, must be compared either with the original or with the original notices in the office of the Secretary of the Hacienda.

ARTICLE 90.—Old titles of mines, if they did not grant more land than was lawful, are declared valid. The owners of these lands shall retain possession of them on condition that they pay

the proper fees, and that the titles convey a definite quantity of land, be it more or less.

ARTICLE 91.—If when the Executive Power is about to make out a title, it is discovered that all the legal forms have not been complied with, he shall cause the mistakes to be corrected, so that no title can be granted until the legal forms are all complied with.

In the case above cited the omission and errors shall be clearly stated and instructions given, so that they can be corrected with certainty.

ARTICLE 92.—There shall be no erasures in a title deed. All the alterations and interlineations shall be left as made. If there are none, it should be so stated.

ARTICLE 93.—The date of a title deed is understood to be that of the notice given in accordance with the requirements spoken of by Articles 8, 79, 346 and 367, as the case may be. If there is not a note of the date on these notices, the date of the title deed will be that of the denunciation, or the date of application for a deed, or that of the survey of the mine. If none of these can be obtained, the date shall be from the time of notification that the deed is granted, and if this is unknown, it shall date from the day it is given. If a title has become invalid and is re-established, this does not alter its date.

CHAPTER VIII.

NULLIFICATION OF TITLES.

ARTICLE 94.—Titles granted in conformity with the present law are null and void in the following cases :

1. When they do not bear the signatures of the Governor of the Department and the Secretary of the Hacienda.
2. When they are not duly recorded.
3. When they grant a larger tract than the law allows.
4. When the location of the mine is falsely stated.
5. When an old mine has been denounced as a new discovery, except in the cases named in Articles 350 and 351.
6. When the name of the last previous owner of the mine is known, but not stated in the papers, or if another name is falsely stated.
7. When the owners of adjoining mines were not cited to appear at the time of giving possession.

8. When the papers inserted in the title are not in accordance with the originals of which they purport to be copies.

ARTICLE 95.—The nullification mentioned in No. 1, Article 94, can be corrected, either by presenting the deed to the Executive Power in order that it may be compared with the original documents and signed by him, or by asking a new deed in conformity with Article 76.

ARTICLE 96.—If a deed is presented in a case at court lacking one or both of the signatures named, the owner can ask the Executive Power to certify whether the deed is in accordance with the official records, and whether there is record of its having been granted. If certified correct, and it is found to have been recorded, it will be as valid as if signed by the Executive Power and Secretary of the Hacienda.

ARTICLE 97.—In case a deed is given without signature, it can not afterwards be signed until a note is appended, stating the date on which it was granted. Said note shall be a copy of the original decree ordering the title to be made out.

ARTICLE 98.—The nullification mentioned in No. 2, Article 94, can be corrected by repaying the fees for the title and then registering it.

ARTICLE 99.—If twenty days, from the date on which the claimant received the deed, have elapsed before it is presented for record, the Registrar shall only record it on receipt of double fees, which fact shall be recorded.

ARTICLE 100.—The registry spoken of in the preceding articles can be made even during the course of a suit brought to establish the validity of the title.

ARTICLE 101.—In case of No. 3, Article 94, the nullification is only partial. The ownership of the excess of land is not guaranteed, consequently, if it should be decided that the mine is not the same in extent as that described in the denunciation, in accordance with the provisions and statutes of Articles 17 to 20, or if the true measurement is proved in the forms prescribed in Articles 373 to 375, the title will guarantee only the lawful amount of land, and will be void as regards the excess.

ARTICLE 102.—No one shall have the right to demand the nullification of such a deed unless he desires to denounce the excess of land under Article 366.

ARTICLE 103.—The nullification spoken of in No. 4, Article

94, can be corrected only by obtaining a new deed, either by re-denunciation or under Articles 78 to 87.

ARTICLE 104.—This nullification can only be claimed by one who pretends to a better right to the mine, either by virtue of anterior title, or in consequence of a denunciation after the granting of the title, of the nullification of which we are speaking.

ARTICLE 105.—The deed can only be declared null under No. 4, Article 94, when it is fully proved that the place where the mine is situated has a name by which it is well known, and that the name given in the denunciation is not the name of any place near the said mine.

ARTICLE 106.—The nullification spoken of in No. 5, Article 94, can be corrected in the same manner as described in Articles 103 to 105.

ARTICLE 107.—The nullification spoken of in No. 5, Article 94, can be demanded by any one who denounces the mine, and by its last owner who proves that he has not abandoned it; but the deed will only be declared null when it clearly appears that the deed spoken of covers part of an older mine, or that the deed covers land that has already been advised in accordance with Article 8.

ARTICLE 108.—When the denouncer of an old mine knows the name of its last owner and does not give it, or, changes it, the title is null; and this nullification can be demanded by any one who denounces the mine, and by its last owner.

ARTICLE 109.—When the change of name of the last owner of the mine was not maliciously made, or it can not be so proved, the nullification can only be demanded by the last owner of the mine, on condition that it was not abandoned by him; but if the notification spoken of in Articles 358 and 359, was made the nullification can not be demanded except in case of Article 363.

ARTICLE 110.—The nullification spoken of in No 7, Article 94, can only be demanded by the owner of an adjoining mine who was not cited to appear at the time of giving possession of the mine, and it will only enable the adjoining mine owner to recover that part of his mine that was illegally included in the other.

ARTICLE 111.—The nullification established in Nos. 6 and 7 of Article 94 can be corrected in the same manner as the nullification spoken of in No 4, Article 94.

ARTICLE 112.—The nullification spoken of in No. 8, Article 94, is absolute when it can be proved that the alterations that occur in the title were caused by the claimant to whom the title was granted.

ARTICLE 113.—This nullification can be demanded by any one, and even declared *de officio*.

ARTICLE 114.—If it can not be proved that the alterations were caused by the person to whom the title was granted, the deed will be null only as regards the alterations, consequently the deed will establish the rights of the denouncer, but the alterations must be corrected to conform to the original document.

ARTICLE 115.—Notwithstanding the preceding article if the denouncer should not within sixty days (counting from the day on which he received notice of the difference existing between his title and the original documents) ask that another title be granted, the said title will be null and void, and can not guarantee any future right.

ARTICLE 116.—If the denunciation of a mine is made in the way expressed in Article 39, and the associates who denounce it should acquire its title, it will be understood as having been granted to those whose names were omitted in the denouncement; and those whose names appeared will have no rights, but the individuals in whose favor it is presumed the title is granted, must apply to the Executive Power within sixty days and ask for a new title.

CHAPTER IX.

PRIORITY OF RIGHT OF MINE CLAIMANTS.

ARTICLE 117.—He who gives the notice mentioned in Article 8, acquires thereby priority of right to the mine, except in the instances cited in Paragraph 4, Article 6.

ARTICLE 118.—This right can only be lost in the following cases :—

1. If one does not denounce the mine within ninety days as specified in Article 32.
2. When in the case mentioned in Article 42 he does not promptly present the official paper to the commissioner appointed to give possession.

3. When he does not ask possession within the time appointed in Articles 56 and 57.

4. When he does not demand the title of the proper authority within the time provided in Article 71.

5. When he does not promptly pay the fee prescribed in Chapter XI.

6. When part or all of the mine claimed is included in that given another person and he did not oppose said possession, although duly cited to appear.

ARTICLE 119.—Notwithstanding the provisions of No. 1 of the preceding article, if the discoverer of a mine denounces it after the expiration of the time named in Article 32, and before any one else has complied with Article 346, he recovers the right which he had lost, and his denunciation is valid.

ARTICLE 120.—In the case of No. 2, Article 118, the discoverer does not lose the right to the mine if he secures an order for restitution in the terms of Article 47, and if he again denounces the mine before any other person shall have given the notice spoken of in Article 346, he will recover all the rights lost.

ARTICLE 121.—In the cases of 3, 4 and 5 of Article 118 the discoverer will also recover the right to the mine if he denounces it before any one else gives the notice spoken of in Article 346 and, in case of No. 5, pays the back taxes in accordance with the provisions of Chapter XI. In the case of No. 6, he can recover his right only in virtue of a new denouncement for abandonment of the mine.

ARTICLE 122.—In any case the discoverer of a mine who may have abandoned it can comply with the requirements of Article 346, and if he does so before any one else does, he will not lose his right except as provided for in Article 118.

ARTICLE 123.—In any case where the right of the discoverer to the acquisition of a mine shall be deemed lost, the right will pass to him who first complies with Article 346, even though this notice should be given anterior to the loss of the right of the discoverer.

ARTICLE 124.—The person who acquires the right to a mine in accordance with the preceding article loses it in the cases mentioned in Article 118 with the restrictions of Articles 119, 120 and 121. Article 122 applies both to him and to the discoverer.

ARTICLE 125.—Others who comply with Article 346 acquire

and lose the right to a mine, in the same way and form as provided for in the preceding articles, regard being had to priority.

ARTICLE 126.—If there should be rivalry between the discoverer or restorer of a mine and one claiming right to it by having given the notice spoken of in Article 79, the decision shall be in favor of the one who first gave the proper notice, if all the notices of both were legal. If some of the notices were imperfect, the party making them will forfeit all claim to the mine.

CHAPTER X.

CONSERVATION OF MINES AND REVALIDATION OF TITLES.

ARTICLE 127.—He who acquires the right to a mine in conformity to the provisions of the preceding chapter will be protected in his rights by the public authorities so long as he does not abandon it.

ARTICLE 128.—The same right belongs to those persons who denounced mines in accordance with the provisions of the previous law, yet received possession of it in accordance with the provisions of this law and the corresponding title shall be granted to them.

ARTICLE 129.—He who receives possession of a mine before this law takes effect can insure his right to it by promptly paying the prescribed fees and complying with the following forms :

1. He must prove by four witnesses that he has been in actual possession of the mine ever since it was given him, or at least for more than a year, and that he has received no notice of a lawsuit regarding the mine.

2. He must also prove that the said mine has not been denounced as abandoned.

3. He must obtain a certificate from the Judge of the Circuit Court, of the exact situation of the mine, in order to prove that there is no lawsuit pending against it, or at least that there is no notice of an existing suit.

4. He must by documentary proof show that he is the legal representative of the denouncer of the mine, if he was not the denouncer himself.

5. He must present all of these documents and proofs to the Executive Power, so that he, the Executive Power, having

obtained the opinion of the State's attorney (*Procurador*), and being convinced that the proofs are positive and the title is valid, shall order its revalidation.

ARTICLE 130.—It will not be considered an insuperable objection to the revalidation of the title, if the proceedings shall have been delayed a few days beyond the time prescribed by law. The revalidation having been obtained, the title will be considered to have been made out in proper time.

ARTICLE 131.—The revalidation of a title may be made in either of two forms at the option of the claimant.

1. Making at the foot of the title a copy of the decree in which its revalidation is ordered.

2. Making a copy of the title, and adding a copy of the decree aforesaid.

ARTICLE 132.—The Judge, before whom the proceedings are held in accordance with Art. 129, must state if in his judgment, any of the witnesses are incompetent according to the Judicial Code.

ARTICLE 133.—The title having been revalidated, the claimant has the same right as if the title were obtained under this law.

ARTICLE 134.—If one or more of the proofs made in conformity to Article 129 are rejected, it must not be understood that the claimant will lose his rights; the documents establishing such rights retain the validity they possessed when granted.

ARTICLE 135.—If one should obtain the revalidation of his title, and it is afterwards proven that the title to the mine was in litigation when he applied for and obtained the revalidation, he will lose his suit, even although he might be able to justify his right to the mine.

ARTICLE 136.—If, in the case of the preceding article, the time allowed by law has expired by reason of the suit, the opponent will be granted a further term of thirty days for presenting the proofs necessary to make effective the right granted by the preceding article.

ARTICLE 137.—The titles of mines actually in litigation can be revalidated as soon as the suits shall be terminated; but in addition to the documents demanded by Article 129 there must be included a copy of the judicial decision.

ARTICLE 138.—If a part of a mine should be in litigation while the rest is not, this part can be revalidated without waiting the decision of the suit.

ARTICLE 139.—Those who own mines under a title obtained or revalidated under this law, can only lose the right to them in the cases and under the conditions recited in Chapter 21, Article 363.

ARTICLE 140.—The claims that are to be brought before the Executive in accordance with this chapter can be transmitted through the Alcalde or the Prefect without postage; said officers must forward them whenever they are presented to them for that purpose.

ARTICLE 141.—A claim having been rejected because of insufficient proofs, may be presented again if complete proofs accompany it.

To this effect the Executive Power must point out the proofs which are needed, or those which are doubtful.

CHAPTER XI.

TAX UPON MINES.

ARTICLE 142.—All mines shall pay to the government an annual tax proportionate to their size, according to the provisions of the present chapter.

ARTICLE 143.—For each mining claim of the size defined by Article 23, the tax is two (2) pesos annually, whether the mine is being worked or not. Mines having greater size must pay proportionately, and smaller mines pay the two (2) pesos.

ARTICLE 144.—Any excess whatsoever must be paid for as an entire claim.

ARTICLE 145.—A placer mine of the size defined by Article 28 shall pay five (5) pesos annually, and mines of greater or less size shall pay proportionately to their size, said tax, however, shall in no case be less than one (1) peso.

ARTICLE 146.—When a title grants possession of all the mines, whether placer or vein, there are in a certain territory, the payment of the tax corresponding to that of the placer and vein mines will preserve the rights to both.

ARTICLE 147.—If the tax for placer mines only shall be paid, the vein mines can be freely denounced, and *vice versa*.

ARTICLE 148.—Owners of mines having titles defining the area of the mines must pay the tax corresponding, in order to preserve their rights.

ARTICLE 149.—Notwithstanding what has been said in the

preceding article, the owner of any mine can abandon a definite part of it, erecting boundary marks, with the aid of the Alcalde, about the part he desires to preserve, and in this case the owner shall pay only the tax corresponding to the part he keeps.

ARTICLE 150.—In the case of the preceding article an account of the proceedings similar to that of the act of giving possession must be sent the Executive Power, in order that it may be recorded. This is done at the cost of the interested party, who must pay in addition, by way of fees, one peso to each of the officers concerned in the transaction.

ARTICLE 151.—If the owner believes that his mine has a greater size than is defined in his title, he can preserve his right to the excess by paying the tax corresponding to it, providing that it is within the boundaries named in his title, and always without prejudice to the rights given any other person by Article 366.

ARTICLE 152.—If the title does not define the size of the mine, the owner at the time of paying the first annual tax must state what size he thinks it is.

ARTICLE 153.—In the case of the preceding article he can abandon part of the mine, observing the formalities detailed in Articles 149 and 150.

ARTICLE 154.—Notwithstanding the provisions of the preceding articles, the mine owner is not obliged to present his titles at the time of paying the tax; it is sufficient that he declare his tax, and credit shall be given to his word.

ARTICLE 155.—At the time of the first annual payment the owner or his agent shall be required to state the location, boundaries and size of the mine and the name by which it is known. He shall also be required to state one of the sides of the mine which may serve as a base for its measurement, when such base is not mentioned in his title, and it is required in order to make effective the right conceded by Article 366.

ARTICLE 156.—The declarations made in conformity to the preceding article shall be sent to the Executive Power for record, and at the same time a copy must be left in the office where the declarations were made. The declaration and copy shall be written on ordinary paper.

ARTICLE 157.—When mines are divided each part will be considered a separate mine for purposes of taxation.

ARTICLE 158.—The tax spoken of in this chapter must be paid annually counting from January 1, 1868, at any of the offices of Hacienda or at the general office of the Treasurer. The tax can be sent to any of the collecting offices, but it is at the risk of the sender until entered upon the books of any of the Administrators of Hacienda, and only the Administrators of Hacienda can give receipts which are legal proof of payment.

ARTICLE 159.—When the money is sent to one of the collecting offices, the officer shall remit it as soon as possible to an Administrator of Hacienda. In this case the remittance may be made up to the 31st of December of each year, but if on the 20th of January of the ensuing year the money has not been received at the Administration of Hacienda, the tax will not be considered paid.

ARTICLE 160.—The payment of the tax can be made by any one in the name of the owner, so preserving for the owner the right to the mine.

ARTICLE 161.—The time named for the payment of this tax can be extended if the party interested can fully prove to the judge that a severe sickness, or violence, the result of a public disorder, or other cause has impeded him in its punctual payment. In this case the tax shall be considered punctually paid for all effects of No. 5, Article 118, Article 363 and other articles relating to the subject.

ARTICLE 162.—The payment of the tax of a mine in litigation can be made by either of the parties, but if neither of them make it, the mine shall be considered deserted. If the party who makes the payment loses his case but should not be found to have brought suit without cause (*temeridad notoria*) he will have the right to repayment with interest at 1 per cent per month, not compounded.

ARTICLE 163.—If a person neglects to pay the tax for one or more years, he can recover his right by paying his back tax with interest at $1\frac{1}{2}$ per cent. per month, provided that the mine has not been denounced by another.

ARTICLE 164.—The payment of the tax herein described is all that is necessary to preserve the title to a mine that has been legally acquired and for which the proper title is held, and this guarantee is so effective in respect to the mines whose titles have been obtained or revalidated in conformity with this law that they can never be lost through denouncements made by a third

party without the full knowledge and citing of the owner of the mine or his legal representative.

ARTICLE 165.—The receipts of the respective clerks of Hacienda are full proof of the payment of taxes specified in them. Said receipt should indicate the name of the owner of the mine for whom the payment is made, the district, section, locality, and place in which the mine is situated, its area, class, and boundary, the sum paid, and all other circumstances which the interested party deems necessary.

ARTICLE 166.—The receipts must be made on stamped forms and do not require to be witnessed. The Executive Power shall cause such forms to be stamped, and shall distribute them among the offices of the Administrators of Hacienda.

ARTICLE 167.—Record of the payment of the tax herein spoken of shall be made in the respective offices of Hacienda, specifying in detail the circumstances detailed in Article 165. The book containing these records shall be indexed yearly.

ARTICLE 168.—The entry by the clerk of the payment in the book referred to in the preceding article shall be considered full proof of payment of the tax.

ARTICLE 169.—The several Administrators of Hacienda shall remit each year to the General Administrator of the Treasury, not later than the month of February, a full copy of the book referred to, and the certifications of the Administrator General of the Treasury, with reference to the copies sent him, shall also be considered full proof of payment.

ARTICLE 170.—If in a case at law, a receipt should be presented in proof of the payment of the tax of a certain mine, and a clerk of the office certifies that the book of entry in the office contains no record of such payment, credit must be given the receipt, because it must be presumed that the receipt is correct, and record of it was neglected, but if the opposite party requires the signer of the receipt to swear to its authenticity. If he refuses, the receipt will not be held valid. In all other cases, that is to say, when it is sworn to or when it is not possible to practice the necessary formalities, the receipt will be held valid.

ARTICLE 171.—When the authentication of a receipt is asked for in conformity to the preceding article, a copy of it must be made in the official minutes of the suit, which copy will serve as a receipt if the original should be lost.

ARTICLE 172.—If the owner of a mine should lose his tax

receipt, he can procure copies from the office at which he paid the money. These, however, must state that they are duplicates.

ARTICLE 173.—The receipts for the taxes of any three consecutive years will cause a presumption of the payment of the tax of the preceding years, but against this presumption proofs may be admitted that will destroy it.

CHAPTER XII.

MINING RIGHTS.

ARTICLE 174.—Any one who acquires a mine by discovery or by any other legal method has the right of working it, and of doing all that is necessary therefor, including the construction of buildings and machines, and the execution of all other things necessary to the carrying on of such works.

ARTICLE 175.—However, those mines which, if worked, would injure public works, towns, potable waters used by them, or private dwellings, can not be worked.

ARTICLE 176.—Neither can works be established which will deprive the owner of the soil of the water needed for family use, for his animals, plantations, or for whatever factories are established or are in course of construction.

ARTICLE 177.—All mines have a right of way over lands between them and the public road which leads to the chief town of the district.

ARTICLE 178.—Besides the right of way named in the preceding article, the owner of any mine has the right of way over all lands in order to bring to his mine articles needed for working it. This right of way may be either temporary or permanent; in this last case it constitutes a right like that mentioned in Article 177.

ARTICLE 179.—If the owner of land subject to such a permanent right of way, should believe the right of way not needed for the work of the mine, and the owner of the mine believes it is so needed, the case shall be referred to three arbitrators, one chosen by each disputant, and the third appointed by the judge.

ARTICLE 180.—The owner of a mine has a right to take from the land in which it is situated and from other land, if necessary, all timber or other materials needed for the construction

of buildings, machines, and the general work of the mine.

ARTICLE 181.—All mines have the right of way for aqueducts across adjoining lands.

ARTICLE 182.—Court-yards, gardens, lawns, farm-yards, and grounds immediately around a house are not subject to this right of way.

ARTICLE 183.—The passage of water especially through cultivated lands must be made by aqueducts or ditches that do not permit leakage, or the water to be dammed up, or to accumulate foulness, and that have bridges at certain distances, to permit proper cultivation of the land.

ARTICLE 184.—By the right of way for an aqueduct is understood that it may be constructed by such a route and in such a manner as will allow a proper grade and will not make the cost excessive. These conditions being complied with, the route least injurious to the land should be taken.

ARTICLE 185.—The shortest route is considered the least injurious and least expensive to the mine if not otherwise proven. Public officers having such matters in charge should consider the interests of all parties, and in doubtful cases should decide in the favor of the agricultural interests of the lands.

ARTICLE 186.—Land owners are obliged to permit the entrance of laborers on their land for the purpose of cleaning or repairing the aqueduct. In making ordinary repairs notice should be given the administrator of the estate. Repairs occasioned by accident are not considered as ordinary.

ARTICLE 187.—Owners of lands so occupied are to permit inspection of the aqueduct whenever it is necessary.

ARTICLE 188.—The owner of a mine has a right to do whatever is needed to insure full service of the aqueduct, and to prevent the owner of the land from doing anything to interfere with the use of the aqueduct, or which is prejudicial to his right.

ARTICLE 189.—He who owns an aqueduct on the land of another has the right to increase the flow of water when necessary for working the mine.

ARTICLE 190.—When the waters used for a mine interfere with the communication between neighboring lands or interfere with irrigation or drains therefor, the mine owner must construct bridges, canals, or other works to prevent this interference.

CHAPTER XIII.

INDEMNITIES.

ARTICLE 191.—The owner of a mine in operation is obliged to pay to the owner of the soil in which the mine is situated the amount of damage caused by such works.

ARTICLE 192.—If the interested parties disagree as to amount of damages, the question shall be left to arbitration, one arbitrator to be chosen by each and a third by the Municipal Judge.

ARTICLE 193.—In order to settle upon the amount of damages, the arbitrators must take into account all the damages that the land suffers from the mine, whether by land occupied by buildings and otherwise, or by the superficial extent of excavations, or by the nature of the excavations, or by the number and direction of the aqueducts, or by the destruction caused by said aqueducts, or by any other servitude upon the land; but the total amount of damages must not in any case equal the full value of the property.

ARTICLE 194.—The amount of damages arising from a right of way, whether such right of way be permanent or otherwise, is reducible to the damages caused the owner by reason of such servitude; the amount of said damages shall also be settled by arbitrators, if no amicable settlement is possible.

ARTICLE 195.—The value of the wood and other material taken for the use of the mine is not included in the damages spoken of in Article 191; such value must be settled for in the form provided in Article 201.

ARTICLE 196.—The indemnity due in consequence of a right of aqueduct that may be established upon neighboring land is reducible to the damages that said land suffers in immediate consequence of such servitude. The damages arising from accidents such as breakage, leakage, etc., shall be estimated and paid as such damage occurs.

ARTICLE 197.—A miner can not be obliged to pay the value of the damages named in Articles 191 and 193 under the lapse of six months; but at the beginning of the work of the mine the owner of the land has the right to demand that the Alcalde shall oblige the mine owner to give bonds, that he will pay for such damage. If the bonds are not given, the mining must be suspended.

ARTICLE 198.—The six months mentioned in the preceding article having terminated, the land owner can demand that the amount of damage shall be fixed upon, and the award must be paid within fifteen days after it is made.

ARTICLE 199.—The amount of damage caused by right of way, permanent or temporary, established upon other land than that where the mine is located, shall be fixed upon when the land owner demands it, and must be paid when awarded.

ARTICLE 200.—Before the arbitrators fix upon an award for the damage for right of way, the two parties in interest must agree upon the class of servitude, that is, whether the right of way is temporary or permanent. In case of disagreement upon this point, it shall be as the mine owner decides; but, if he should not consider it permanent, he must fix a limit to its duration, and this time being terminated, he must pay a further damage if he continues to use it.

ARTICLE 201.—The value of wood and other material needed by the miner for the use of the mine shall be fixed by arbitration, if necessary, and shall be paid immediately.

ARTICLE 202.—The settlement of the value of the damages caused by a right of aqueduct shall be made whenever demanded by the interested party, provided the aqueduct is finished. If necessary, arbitrators will be called in, and their award must be paid promptly.

ARTICLE 203.—The payment for damages occasioned by accident to the aqueduct or which may be imputable to it, must be made as provided in Articles 197 and 198.

CHAPTER XIV.

WATER RIGHTS.

ARTICLE 204.—He who gives the notice spoken of in Articles 8, 79, 346 and 367 acquires the right to take the water needed for the use of a mine in the manner detailed in the present chapter.

ARTICLE 205.—The discoverer of the first mine in any locality has the right, in preference to all subsequent discoverers, to take the water needed for his mine, and this right can be maintained even if his mine has not been kept in operation, and if in order to avail himself of this right it is necessary to stop the work of another mine discovered subsequently.

ARTICLE 206.—Other discoverers acquire an equal right in the order of discovery. This right is acquired at the time of giving the notice mentioned in Articles 8, 79, 346 and 367.

ARTICLE 207.—Any discoverer of a mine has the right to appropriate the waters he desires, provided he needs them, and that he does not by taking them interfere with previously existing rights. In this case, those who subsequently discover mines have no right to take the water unless there is a surplus of it.

ARTICLE 208.—In the exercise of this right mine owners cannot deprive the owners of the soil of water needed for their family, for their live stock, for irrigation, or for factories established or in process of construction, nor shall the exercise of this right be allowed to obstruct the free enjoyment of rights of aqueduct already established for towns, houses, and factories.

ARTICLE 209.—If there is a dispute between owners of mines concerning a surplus of water, for example if one claims that a surplus exists and the other disputes it, the question shall be settled by three arbitrators, one chosen by each party and the third by the judge.

ARTICLE 210.—A surplus of water is that remaining after the water belonging to owners of previously discovered mines has been deducted in accordance with the provisions of Articles 205, 206 and 207.

ARTICLE 211.—The right conceded by Paragraph 2, Article 207, concerning the surplus of water can not be interfered with in any manner by miners or earlier established industries, not even for the purpose of increasing their works.

ARTICLE 212.—Any dispute about water between mine owners and land owners or others who use water conveyed in aqueducts shall be settled in the manner described in Article 209.

ARTICLE 213.—If a mine is discovered that can only be worked with the water used by a mine previously discovered, the more recently discovered mine has the right to said water, if it complies with the two following conditions :

1. Its owners shall at their own expense conduct to the earlier discovered mine other water sufficient for its operations.
2. They shall pay to the owner of the earlier discovered mine any damage resulting from the change of water.

ARTICLE 214.—Waters discharged from mines no longer needing them can be taken by other mines on lower levels, but if the owner of the higher located mine afterwards needs them for

other works, above or below the first, he may freely dispose of said waters, within the area of his own grant of land.

ARTICLE 215.—In the case mentioned in the previous article, if the owners of the works above should suspend work, without abandoning the mine, the owners of mines on a lower level can use the water and aqueduct of the suspended works, first paying the owner for the water, as arbitrators may decide and also maintaining repairs at their own expense. By this is acquired no right to the ownership of the water or the canal.

In this case the owner of the mine above must be reimbursed for all damages resulting from the use of said aqueducts, and may previously demand security, if, in the opinion of the judge, he is justified in so doing.

ARTICLE 216.—The right to the waters belongs to the mine and follows its ownership, even if it is not so expressed in the deed of the mine; but, if the seller of a mine needs the water for other mines, he may expressly except the waters in the contract of sale.

ARTICLE 217.—In case a mine owner changes his source of supply of water, taking it from another source, that abandoned becomes public property, and is subject to the provisions of this Chapter.

ARTICLE 218.—If a mine is abandoned, any mine owner can claim for another mine, provided that in the opinion of experts it is necessary, the water formerly used by the abandoned mine, without being obliged to restore it, when the abandoned mine is again put in operation. However, if the water is not in use at the time of the restoration of the title, it can be appropriated by the person taking the earlier worked mine.

ARTICLE 219.—Those who acquire mines situated on a higher level than other mines in operation may freely use the waters employed by the latter mines, on condition that the water is returned to the common ditch at a point higher than that from which the water is taken for the lower mines, and on condition that the said use of the waters does not unfit them for the use hitherto made of them.

ARTICLE 220.—The mine owner who locates a mine higher than others already in operation, and whose tailings naturally are discharged upon the lower mine, can be obliged by the owner of the latter to conduct them by an especial way, so as to occasion him no injury.

ARTICLE 221.—If the provisions of Article 220 can not be complied with, the owners of the superior mines must pay the owners of those below for all damage occasioned by such tailings, as may be decided by arbitrators.

ARTICLE 222.—Chapters XII. and XIII. provide for the settlement of questions of damages and of servitudes arising from waters employed in mines.

CHAPTER XV.

CONCERNING THE WORKING OF MINES IN LITIGATION.

ARTICLE 223.—In case of a disagreement between the owners of a mine, the highest judge in the district, upon request of any owner, shall appoint three arbitrators who shall decide the cases that in his judgment are serious, either concerning the working of the mine, or the suspension or prosecution of said work, or, it may be, of the nature of the work to be undertaken. In these cases immediate action is necessary, and the judge shall act promptly in accordance with his best judgment. The cases that in the opinion of the judge are not serious, the owners shall decide among themselves.

ARTICLE 224.—If litigation is commenced concerning the ownership of a mine actually working, and the litigants do not agree about said labor, he who is in charge of the establishments already mounted will have the preferred right.

ARTICLE 225.—If the mine is not being worked and the parties do not agree about working it, the party offering the best guarantee on the following points will have the preference in temporary possession of the mine.

1. To put up quickly the best establishment.
2. To work the mine in the best manner.
3. To return to his opponents the products of the mine if he should be defeated in the case.

If the party who gains the case is the one who did not have temporary possession, he can take possession of the works established either by leaving to the other the products he has obtained, or by receiving the products and paying the value of the works as appraised by experts.

ARTICLE 226.—In the case of the two preceding articles the party not in possession may ask that the judge appoint a supervisor (interventor), and the judge shall immediately make such appointment.

ARTICLE 227.—If the litigation is not concerning the whole mine, but only for a part, the interventor shall be named for that part only.

Said interventor shall govern his proceedings by the provisions of this chapter, referring doubtful points to the judge for decision.

But if the mine belongs to a company, and the litigation is between members of the company, or stockholders and a third party, the president of the company shall act as interventor, unless he is a party to the suit, in which case, an outside party shall be appointed, all without prejudice to Article 288; the judge shall decide all doubtful points.

ARTICLE 228.—The judge, before appointing any interventor, shall notify the parties interested, that within three days they must designate the person whom they prefer; if the interested parties do not agree within the specified time, the judge shall make the appointment as he judges best.

ARTICLE 229.—The office of interventor of a mine is of voluntary acceptance and vacancies that occur shall be filled as provided in the preceding article; but if one accepts the office he can not afterwards resign until some one is secured to replace him.

ARTICLE 230.—The salary of the interventor shall be fixed by the parties interested in accord with the interventor, and if they do not agree, it shall be fixed by arbitrators, one chosen by the interventor and one by each of the parties interested, or if any of the parties shall fail to appoint, one shall be appointed by the judge.

ARTICLE 231.—The arbitrators when they fix the salary shall take into consideration the importance of the business established or that may be established, the locality of the mine, the climate and such other circumstances that may make the holding of such office onerous.

ARTICLE 232.—The salary of the interventor shall be paid monthly, if he so desires, and shall be deducted provisionally from the products of the mine, if there are any, or if not, it shall be paid by both parties to the suit; but the case having been definitely decided, the party who has lost the case shall be reimbursed by the party who gained the case, provided always that the suit was not a causeless one.

ARTICLE 233.—In the case of the preceding article when the payment of the salary of the interventor is to be made by both

parties and either party does not contribute its share before the last day of the following month, said party shall lose all control of the mine until the case is decided.

ARTICLE 234.—The functions and duties of the interventor are:

1. To keep an exact account of the products and current expenses of the mine.
2. To take care of the due handling of the funds of the mine, in order that they can be properly credited in the accounts.
3. To take an inventory of all the property of the mine, at the time of his appointment, and, that may be bought from time to time, for working the mine.
4. To keep an account of the property worn out or rendered useless in working the mine.
5. To watch that the operator of the mine does not dispose of any of the products of the mine, except when weighed by him, in the presence of the operator and two competent witnesses.
6. At the end of each month, to make up accounts and render a statement of the results, to each of the parties to the litigation.

ARTICLE 235.—The interventor is responsible for the due performance of his duties, to the same extent as are public officers in accordance with the Penal Code.

ARTICLE 236.—The possessor of a mine, who interferes in any way whatever with the interventor in the proper performance of his duties, shall incur the penalty established in Article 233.

ARTICLE 237.—The interventor, besides the salary assigned him by law, shall be provided with proper lodgings and food at the mine by the party in possession of it. The expense so incurred shall be appraised by arbitrators if necessary and included in the expenses of the mine. The interventor can ask that, instead of these, their value may be given him.

ARTICLE 238.—The office of interventor shall terminate :

1. In the cases provided for by Articles 233 and 236 of this law.
2. By the termination of the suit, may it be by decision of the court or by mutual agreement of the parties concerned. The interventor shall, in any case, furnish the judge of the cause with a statement of the products and expenses of the mine.
3. By agreement between the parties.

ARTICLE 239.—The interventor can be removed :

1. By agreement between the parties.
2. For the malperformance of his duties, if either party shall so prove to the satisfaction of the judge.

ARTICLE 240.—The expenses of a mine during litigation are at the account of those who possess and work it, and they can freely dispose of the products, as soon as the interventor has taken account of them as per Paragraph 5, Article 234 of this law. They must give bonds to the judge, that they will return the value of the products, in case suit is decided against them.

ARTICLE 241.—In case they can not give the necessary security, the interventor shall hold the products in deposit, leaving to the possessor of the mine only so much as is indispensable to pay the current expenses.

ARTICLE 242.—If he who possesses and works a mine in litigation should be defeated in the case he is obliged to return to him who has gained the case the value of the profits in accordance with the accounts kept by the interventor; but he is not obliged to return the profits in the gold itself, but its value in metallic money, taking as a base the carat of the gold of the mine and the current price of it as appraised by arbitrators named by the judge.

ARTICLE 243.—In order that the last clause of the preceding article may be strictly complied with, the judge shall require of the possessor of the mine a quantity of gold necessary for analysis at the mint or by an intelligent expert. This provision should be complied with at the commencement and during the suit and at the expense of the possessor of the mine, who must swear that the ore actually came from the mine in question. The assay having been made, record of the proceedings shall be attached to the papers of the case and the gold returned to him who furnished it.

ARTICLE 244.—If the party not in possession of the mine shall gain the case, he is obliged to indemnify the possessor for those expenses which are in excess of the returns from the mine ; but he is not obliged to do this, if, notwithstanding he has gained the case, he chooses to abandon the mine to his opponent.

ARTICLE 245.—The party not in possession has a right to demand that the work be properly done in the judgment of experts, in order that the mine be preserved in good condition,

and the judge must so order, and there is no appeal except in the meaning *statu quo ante*.

ARTICLE 246.—If the party in possession shall not conduct the work properly, as ordered by the judge, the opposite party has the right to demand the suspension of the work, and the judge shall so order promptly and summarily, without delays prejudicial to keeping the mine in good condition.

CHAPTER XVI.

CONCERNING COMPANIES WORKING MINES.

ARTICLE 247.—Companies for working mines are of four classes,—*Colectivas, En comandita, Anonimas and Ordinaria*.

ARTICLE 248.—A *colectiva* company is one in which the partners carry on business by themselves or through an agent appointed to act for them. [An ordinary partnership].

ARTICLE 249.—An *En comandita* company is one in which one or more of the associates are obligated only to the extent of the amount of money severally subscribed. [A special partnership.]

ARTICLE 250.—An *anonima* company is one in which the capital is furnished by shareholders who are only responsible for the value of their shares (*acciones*), and the company is not known by the name of any associate, but by the object for which the company is formed. [A corporation.]

ARTICLE 251.—An *ordinaria* company is one of those formed by an association in common, for the working of mines, without the formalities that would entitle them to be classed under any of the other classes. They are, however, subject to the special provisions of this chapter, notwithstanding they are not recognized by the Civil Code.

ARTICLE 252.—The companies named in Articles 248, 249 and 250 shall be governed by the regulations or statutes which they may have established or accepted; but if they have none then by the provisions of Title 28, Book 4, of the Civil Code. Only in case of the insufficiency of said law, are the provisions of this chapter to be observed. (*Vide National Civil Code.*)

ARTICLE 253.—The provisions of the preceding article refer only to the interior government of the company, to its representation, judicial or extra-judicial, to the rights and duties of the associates among themselves and to their relations to the company.

ARTICLE 254.—The working of the mines belonging to ordinary companies shall be done in conformity with the agreements made between the associates before commencing work. If no agreements shall have been made, or if made, shall be deficient, the associates shall observe the rules of this chapter.

ARTICLE 255.—All mines worked by companies shall be considered as divided in twenty-four equal parts (*acciones*) or shares, which shall represent the votes which must be computed in the deliberations of the company.

ARTICLE 256.—All questions of the company submitted for decision shall be determined by a majority vote, deciding all cases of tie by an arbitrator, named by a judge of the highest class in the district in which the company holds its meeting, or in case there are a number of judges, by any one of them. If the decision requires practical knowledge, the judge shall appoint an intelligent and honest miner as arbitrator.

In order that the judge can appoint the arbitrator, it is necessary to present him a record of the meeting of the company at which the tie vote took place, and he shall then make the appointment as promptly as possible. The provisions of the two preceding paragraphs do not prevent the agreement of the parties among themselves.

ARTICLE 257.—Each share is entitled to one vote, unless one person shall own twelve or more shares, in which case his vote can only be counted for one less than half the number of shares represented at the meeting.

ARTICLE 258.—Any stockholder, whatever may be his share, has a voice in the meetings of the company.

ARTICLE 259.—The shareholders can be represented by each other, but in no case can any one have half or more of the votes represented at a meeting. The shareholder voting for another is responsible for the ratification of his act.

ARTICLE 260.—The decisions of the majority are binding upon all, except in cases which, in the opinion of the judge, are very important, to which cases Article 223 is applicable, always without prejudice to Article 282.

ARTICLE 261.—When the company decides to commence work, it must inform all of the associates who were not at the meeting of this decision, in order that they may prepare to pay their assessment promptly.

ARTICLE 262.—The notification spoken of can be made

privately by any one of the associates, or by the judge, on petition, if any one so prefers.

ARTICLE 263.—If, notwithstanding the notification spoken of in the last article, any shareholder should not send his proper assessment within the first five (5) days of each month, the president or director of the company can ask the judge of the district in which the mine is located to notify the delinquent to send his money.

ARTICLE 264.—If the delinquent or his legal representative is found in the district where the mine is situated, the notice, provided for in the preceding article, shall be made to him, and if within sixty (60) days from the date of the notification, he shall not pay, his interest will revert to the company.

ARTICLE 265.—If neither said delinquent nor his representative is found in the district where the mine is situated, notice shall be made by posting a notice in the public office, which shall be printed in the official paper and which shall also be cried for at least four public days. In this case the sixty (60) days shall count from the date of the official paper in which the edict is published, provided always that the edict shall have been cried twice, otherwise from the date of the second crying. The secretary shall keep a record of the date of the crying of the edict.

ARTICLE 266.—If any shareholder shall delay his payment for more than thirty days, and should wish to pay before losing his share, he shall be required to pay 25 per cent. more, which amount shall go to the shareholder or associates who shall meanwhile have paid his share of the expenses.

ARTICLE 267.—Companies are not dissolved by the death of any member, and in case a member shall die, the rights of the deceased shall not be lost, even though his assessment is unpaid, until his shares are legally represented; Articles 263 to 265 apply to this legal representation. In this case the penalty of Article 266 does not apply, but the legal representative must pay 1 per cent. per month during the delay.

ARTICLE 268.—If the shares of a stockholder are for any reason attached, they shall not be lost if he does not promptly pay his assessment; but in the future adjudication of these shares the owner to preserve them must pay 2 per cent. per month for the delay.

ARTICLE 269.—As soon as the shares are adjudicated,

any associate can ask the judge of the district to demand from the person to whom they have been adjudicated to declare within a fixed time, if he desires to retain the shares, as provided for in the preceding article, and if no reply is made he shall lose the shares.

ARTICLE 270.—When shares are attached, the official proceedings of the action shall fix a value to the shares, shall notify the president, manager, or legal representative of the company, that none of the dividends shall be paid except to the designated depository, and shall name and duly swear such depository.

ARTICLE 271.—In the case of the preceding article, the depository is understood to be substituted for the shareholder, and consequently must comply with all of his duties, but if the mine does not produce what is necessary for expenses, the sequestered shares shall not be lost, but are subject to Articles 268 and 269.

ARTICLE 272.—When the working of a mine has been in a state of suspension and is about to recommence, Articles 261 to 266 apply.

ARTICLE 273.—The shares of each shareholder are considered legally hypothecated for the expenses of the mine.

ARTICLE 274.—If a mine in operation produces sufficient to meet expenses and any shareholder does not contribute his share of the expense, that part of the product of the mine corresponding to his share in it, can be taken to pay his share of the expense, and so long as this is the case the penalty named in Articles 264 and 266 is not incurred.

ARTICLE 275.—Shareholders can freely transfer their shares, but in case of sale must promptly notify the company, and if the company wishes to reclaim the shares sold, that is to say to take them at the same price, they must do so within fifteen days, at the expiration of which time, any shareholder can individually purchase them during the next ten days. All sales made, except in accordance with this, are null and void.

ARTICLE 276.—When the company does not wish to acquire said stock, the individual shareholders may do so in any proportion that suits them. If only one shareholder claims such stock, he can take all of it.

ARTICLE 277.—If the company consists of only two members, he who preserves his shares can claim the shares of his partner

who has sold his part, within fifteen days from the time he knew of the transfer.

ARTICLE 278.—The shares of mines that are sold at public auction by judicial sale can also be reclaimed, counting the time from the notice approving the official announcement of sale; it is not necessary in this case to notify the company.

ARTICLE 279.—The nullification referred to in Article 275 is voided by notification to the company and by its not making use of this right of reclamation within the time provided, which time shall be counted from the time the company receives notice of the transfer.

ARTICLE 280.—In any case in which, for any reason whatsoever, the part belonging to each owner in a mining company is not known, it is understood that, until the truth can be ascertained, the stock is divided into as many equal shares as there are owners.

ARTICLE 281.—If a company should resolve not to commence work until some future time, and any one of the owners wishes to commence work immediately, the company can not impede his so doing, unless, in the judgment of an expert, such work would be prejudicial to the interests of all.

The products of such work shall belong entirely to the owners engaged in it.

ARTICLE 282.—When a mine belonging to a number of owners can be easily divided in such a manner that each owner can work for himself, any owner has the privilege to ask such division, even although the majority oppose it.

ARTICLE 283.—From the moment in which two or more persons agree to work a mine, it becomes necessary to form a company or partnership and to elect a president or director.

ARTICLE 284.—The president or director elected in conformity with the preceding article is the legal representative of the mine, and obligates it by his acts, judicial and extra-judicial.

Moreover, the company can be represented by any person elected for that purpose, in accordance with its rules and by-laws, and by the attorneys of the president or director.

However, any associate can advise for himself in any business which concerns the company, and his advice, if legal, shall be listened to, although it is unnecessary to heed it in making a decision.

ARTICLE 285.—All the acts of any associate done to preserve

the ownership of a mine, benefit alike the other owners, even although not done for that purpose.

ARTICLE 286.—If a mine should be abandoned, the partner charged with paying the annual tax can neither take part in an association formed to denounce the mine, nor can he denounce it for himself.

If he should by any means acquire rights of title or ownership, they will be forfeited to his former associate.

ARTICLE 287.—Any partner or shareholder who does not contribute his share to maintain and preserve the ownership of a mine, forfeits all his interests to those who do contribute.

See Articles 263, 264, 265 and 266.

ARTICLE 288.—In case of litigation for the ownership of any or some shares of a company, the profit accruing to said shares during the litigation, shall be deposited until the suit is decided, except when the parties unanimously agree otherwise.

If there should be no profit, or if on the contrary, it should be necessary to assess the shares in order to meet expenses, the assessment on the shares in litigation shall be levied *pro rata* on all the interested parties to the suit.

CHAPTER XVII.

POSSESSION.

ARTICLE 289.—Possession is the tenure of an absolute thing, whether the possessor has the thing himself or has it in another person, who holds it in his place and in his name.

In regard to mines, the payment of the annual tax constitutes the material tenure of the mine.

ARTICLE 290.—The possession of mines may be *regular, violent, clandestine* or *ordinary*.

ARTICLE 291.—Regular possession is that of the owner of a titled mine, who punctually pays the tax established in Chapter II.

ARTICLE 292.—Violent possession is that acquired by force. This force may be actual or imminent.

It is actual when intervening directly or immediately in the act of acquiring possession.

It is imminent when through fear of actual force the possession is obtained without actual force.

ARTICLE 293.—Any one who during the absence of the owner takes possession of a mine and upon the return of the owner repels him, is guilty of violent possession.

ARTICLE 294.—The act of violence exists, whether directed against the real owner, or against him who possesses the mine without being the true owner, or against him who has possession in the name of the owner. Any act against the owner of a mine to dispossess him of it is an act of violence whether executed by a person or by his agent with his consent, or, which being executed, is ratified either expressly or even tacitly by him.

ARTICLE 295.—Clandestine possession is that which is obtained in a concealed or disguised manner, so that those who have rights to the contrary can not oppose the possession.

ARTICLE 296.—Ordinary possession is that obtained in a manner that can not be properly classed under the three preceding heads.

ARTICLE 297.—Mere tenure (*Mera tenencia*) of a mine is that exercised in name and place of the owner.

The sequestrator and usufructor have "*mera tenencia*" of a sequestrated mine or of a mine whose usufruct pertains to them.

This applies generally to those holding a mine but recognizing another ownership.

ARTICLE 298.—The simple lapse of time does not change the "*mera tenencia*" of possession.

ARTICLE 299.—The successor of a title, either universal or singular, dates his possession from the date of succession, unless he should wish to add to his own title the possession of his predecessor; in this case, however, his own title possesses all the qualities and defects of that of his predecessor. In the same way a series of possessions which have not been interrupted can be added.

ARTICLE 300.—An owner of an undivided portion of a mine will be understood to have possessed exclusively, during all the period when it was still undivided, that part that falls to him when such mine is divided. He can then add this time to his exclusive possession, and any alienation that may have been made by him alone of the common mine and any real rights that he may have encumbered it with will continue upon said part, if it should have been comprehended in the alienation or encumbrance. But if the alienation or encumbrance should

extend to more than his part such alienation or encumbrance shall not be valid as against the will of the respective holders of such other parts.

ARTICLE 301.—If one has commenced to possess in his own name, it is presumed that this possession has continued until the moment in which the possession is alleged. If one has commenced to possess in the name of another, it is equally presumed that the possession continues in the same order. If a person proves anterior possession and possesses actually, his possession in the meantime is also presumed.

ARTICLE 302.—The possession can be taken not only by him who wishes to acquire it for himself but also by his agent or by his legal or legitimate representatives.

CHAPTER XVIII.

MANNER OF ACQUIRING OR LOSING POSSESSION.

ARTICLE 303.—The regular possession of a mine is acquired by the granting out of the title. It is preserved by the payment of the annual tax.

ARTICLE 304.—Ordinary possession is acquired as soon as the notice (*aviso*) spoken of by Articles 8, 79, 346 or 367 is given.

ARTICLE 305.—Ordinary possession is also acquired by materially holding the mine without violence or in a secret manner.

ARTICLE 306.—Violent possession is acquired by holding the mine under circumstances detailed in Articles 292, 293 and 294.

ARTICLE 307.—Clandestine possession is acquired by holding the mine in a secret manner so that interested parties can not oppose said possession.

ARTICLE 308.—These various classes of possession may exist at the same mine, and a mine may also have a number of possessors of the same class.

ARTICLE 309.—The regular possession is lost by the act of discontinuing the punctual payment of the annual tax.

ARTICLE 310.—In case an owner loses regular possession of his mine, but still holds it, he is considered as having ordinary possession.

ARTICLE 311.—If a person having ordinary possession of a mine exercises some act or deed in a violent or clandestine manner in order to keep possession of his mine, his possession becomes violent or clandestine, as the case may be.

ARTICLE 312.—All ordinary, as well as the violent and clandestine, possession is lost by abandoning the mine.

ARTICLE 313.—From the provisions of the preceding article is excepted the ordinary possession acquired by the discoverer or restorer of a mine, giving the notice spoken of in Articles 8, 79, 346 or 367. This possession can only be lost by not making the denouncement in time or by neglecting to comply with the formalities detailed in Article 118.

ARTICLE 314.—If a person takes possession of a mine in the name or in the place of another, of whom he is the agent or legal representative, the possession of the principal commences by the act of taking possession, even although he may be in ignorance of it.

ARTICLE 315.—If he who takes possession in the name of another person, for whom he is neither attorney nor agent, the latter will not possess the mine except by his cognizance and acceptance, but the possession will date from the time the mine was taken in his name.

ARTICLE 316.—If a mine is inherited, the possession dates from the time the inheritance was obtained, even although the inheritor is in ignorance of it. But if he repudiates the inheritance, it will be understood that he never had possession.

ARTICLE 317.—The owner retains possession although the holding (*tenencia*) is transferred by giving the mine in lease, deposit, usufruct, or any other transfer not of dominion.

ARTICLE 318.—He who holds a mine in the name of another and possesses himself of it, does not acquire legal possession; but if the mine is alienated or transferred, the acquirer of it obtains ordinary possession when he acts with good faith, which is presumed.

ARTICLE 319.—He who legally recovers the lost possession of a mine is understood to have had legal possession of the mine during the interim.

CHAPTER XIX.

POSSESSORY ACTIONS,

or Actions at Law for Establishing the Possession of Mines.

ARTICLE 320.—The object of a possessory action is to make effective or to preserve the legal possession of a mine and of the real rights established in its favor.

ARTICLE 321.—Only one who has preserved the possession since it was acquired or who has, at least, a title and can prove the payment of the tax for the preceding year, can establish a possessory action.

ARTICLE 322.—The heir to a mine has and is subject to the same possessory actions as the ancestor had and was subject to.

ARTICLE 323.—A possessory action can be brought only by the regular possessors against those who have acquired possession in an ordinary, clandestine, or violent manner.

ARTICLE 324.—The right of a regular possessor is always preferable to that of any other.

ARTICLE 325.—Between two or more regular possessors, that one will have preference who has the oldest title according to Article 93.

ARTICLE 326.—A possessory action is not prescribed while the regular possession of the mine is held.

ARTICLE 327.—Actions to preserve the possession of a mine are prescribed at the end of a year from the date of molestation or disturbance inferred in them.

ARTICLE 328.—The possessor has the legal right to ask that he shall not be disturbed or molested in his possession and, in case of spoliation, the right to indemnity for damages received; he also has the right to ask for protection.

ARTICLE 329.—The usufructuror is competent to exercise for himself those possessory actions and exceptions directed to the preservation or enjoyment of his respective rights, even although such action be against the proprietor or owner of the mine.

The proprietor or owner is obliged to protect the usufructuror against all molestation or disturbance upon being requested to that effect.

ARTICLE 330.—A judicial sentence or judgment against the

usufruct is obligatory upon the owner, unless such judgment treats of the ownership or rights in connection with it.

In this case such sentence is of no value against the proprietor, who is not a party to the suit.

ARTICLE 331.—Any one violently despoiled either of possession or of the mere tenure of a mine, has the right, by merely proving the same, to be re-established in his possession, even although anterior violence or clandestine action be proved. This right is prescribed in six months.

ARTICLE 332.—All violence will moreover be punished according to the provisions of the Penal Code.

ARTICLE 333.—The regular possessor of a mine and the discoverer or restorer who has not lost his rights can demand that all new work that may impede or make difficult the working of his mine be prohibited. Still he can not denounce with this object such work as is required to prevent the ruin of any building, aqueduct, bridge, etc., but such work must be restricted to the necessary amount, and being terminated, everything must be restored to its former state by the owner of the work. Neither can new work tending to preserve the roads or purity of water be interfered with by mine owners.

ARTICLE 334.—Any new work on a neighboring farm which will prevent the enjoyment of a servitude established on it in favor of a mine is denounceable.

ARTICLE 335.—He who fears that the ruin of a neighboring edifice will cause damage to his mine, can bring suit in order that the owner shall be ordered to destroy or repair it if possible ; and, if not done immediately, it shall be ordered done by the judge at the cost of the owner. If the damage feared is not great, it will be sufficient for the owner of such ruin to give bonds to repair or indemnify any damage caused by the ruin.

ARTICLE 336.—If the repairing spoken of in the preceding article is done by some one other than the owner, the original size, dimension, and line shall be preserved unless it is necessary to change them to obviate the damage. Any alterations made shall be adjusted to the will of the owner, as far as is compatible with the object of the complaint.

ARTICLE 337.—If complaint has been made and the building should then fall, indemnity must be made for all damages to the owner, discoverer, or restorer of the mine damaged. If the falling was due to some fortuitous cause, such as lightning or

earthquake, no damage can be claimed, unless it is proved that the falling would not have taken place if the building was in good repair or condition. In no case is there to be indemnity if the owner of a building has not been notified of the complaint.

ARTICLE 338.—The provisions of the preceding articles are applicable to the danger feared from any class of works, or constructions, or from badly-rooted trees, or trees likely to be overthrown by any ordinary occurrence.

ARTICLE 339.—Whenever it is necessary to prohibit, destroy, or alter any work or building belonging to several or more persons, the denouncement or complaint may be made against all or against any one of them in particular. Still the indemnity to which the damage caused gives rise must be divided equally among them, but as to themselves the damages are to be divided *pro rata*. And if the damage feared or suffered falls upon several or more persons, any one of them may make the denouncement or complaint for himself alone, as far as regards the destruction, prohibition, or altering of any such work, but no one can ask indemnity for damages other than he himself has suffered, unless such person be legally authorized to act for the others.

ARTICLE 340.—The actions conceded in this chapter for the indemnification of any damage suffered are prescribed at the end of a year.

Those actions directed to prevent any damage are not prescribed while there is just cause to fear it. If those directed against the establishment or erection of any new work have not been commenced within a year, the defendants will be maintained in the possession, and the denouncer or complainant must then bring his suit in the ordinary way. But even this action will not lie when by the provisions of the Civil Code the right may be prescribed.

CHAPTER XX.

ABANDONED MINES.

ARTICLE 341.—Abandoned or deserted mines are such as have not paid the tax spoken of in Chapter II. and that may have been titled before this law went into effect; and also those of which the notice has been given in conformity with Articles 8, 79, 346 and 367 and the right acquired by such notice lost

according to Articles 117 to 126 inclusive and Articles 84 and 380.

Portions of mines abandoned by their owners (see Articles 149 and 153) are also called abandoned or deserted.

ARTICLE 342.—A mine is not classed as abandoned when, after having been so, its former possessor recovers his right, in the cases mentioned in Chapter IX. Neither is it classed as abandoned when falling under the cases mentioned in Articles 350 and 351.

ARTICLE 343.—The abandonment of a mine throws it open to denouncement in the terms and with the formalities described in Chapter XXI.

ARTICLE 344.—The former owner of an abandoned mine preserves in all cases the proprietorship of all edifices, machinery, furniture, etc., that may be in the abandoned establishment.

ARTICLE 345.—Mines which may not have been denounced as abandoned up to the day on which this law goes into effect can only be so denounced in the future where the right to them has been lost by non-payment of the tax or by not complying with the formalities necessary to acquire a title.

CHAPTER XXI.

DENOUNCEMENT OF ABANDONED MINES.

ARTICLE 346.—To acquire an abandoned mine it is necessary to present to the Alcalde of the district in which the mine is situated a notice (*aviso*) stating that a denouncement is about to be made.

To this notice Articles 8 to 14 are applicable.

In the book kept for the purpose of recording the notices required by Article 8, the notices given under this article must also be entered.

ARTICLE 347.—The restorer of a mine is defined to be he who gives the notice spoken of by Articles 347 and 367.

ARTICLE 348.—The restorer of a mine acquires the same rights to it as does a first discoverer. These rights must give place to those of a former owner who has not abandoned the mine, and also to all restorers of anterior rights, and are preferred to the rights of a subsequent restorer.

ARTICLE 349.—The rights of a restorer are lost and recovered

in the same manner as those of a discoverer in conformity with the provisions of Chapter IX.

ARTICLE 350.—If the notice required by Article 8 is given for a mine supposed to be of new discovery, and it should then be found that the mine was of old discovery and abandoned, the denouncement can be made in the form required by this chapter, and the denouncer thus acquire the same preferred right to the mine as by complying with Article 348.

ARTICLE 351.—The provisions of the preceding article are even applicable to a case when it is not discovered that the mine is old until the denouncement has been made, provided that possession has not already been given. Possession having been given, it is necessary to make a new denouncement in conformity with this chapter

ARTICLE 352.—The denouncement must be made within 90 days following the date of the notice required by Article 346.

ARTICLE 353.—The denouncement must contain not only the requirements of Article 33 but also the name, surname, district and residence of the last owner or owners. If the denouncer is ignorant of any of these requirements, he shall state so in his denouncement.

ARTICLE 354.—To the writing of the denouncement must be attached or added a copy of the notice given in conformity with Article 346.

ARTICLE 355.—Articles 35 to 40, 42, and 44 to 50 are applicable to the denouncement of old or abandoned mines.

ARTICLE 356.—Besides the formalities required by the preceding articles the commissioner must personally cite the last owner of the mine, sending him if necessary a letter or dispatch to that effect.

ARTICLE 357.—The owner cited can oppose the possession within the time required to travel the distance and 20 days more, even though the time for the posting of the cartel has already expired. Others can only oppose in the time appointed by Article 59.

ARTICLE 358.—In case the denouncer should not know the name of the last owner, and if he should not be found in his last residence or district, notice shall be made by an edict fixed in the office of the commissioner, cried by public crier on two days (market days), and published in the official journal.

ARTICLE 359.—Due notice will be understood to have been

given at the end of thirty days, after complying with the formalities required by the preceding article ; and during the next thirty days following, the owner so notified can oppose the possession.

ARTICLE 360.—If within the time appointed no opposition should be made, the commissioner shall proceed to give possession, and in so doing must comply with the formalities required by Articles 51 to 58.

ARTICLE 361.—To the oppositions made to the restorations of abandoned mines, Articles 60 to 69 are applicable. In the case of Article 66 any one claiming a preferred right acquired by a previous restoration can also oppose.

ARTICLE 362.—Titles shall be granted with the formalities and in the terms prescribed by Chapter VII.

ARTICLE 363.—Notwithstanding the provisions of this chapter, upon the citation of the owners of mines denounced as abandoned, the owner who has been granted a title, or has his title revalidated in conformity with this law, and punctually pays the mine tax, shall not lose his rights to the mine even although it be denounced as abandoned and possession and title given to another (classed as restorer), except that, being personally cited to appear, or through his representative, legal or legitimate, he should not wish to offer opposition. In this case he loses right and title to the mine.

ARTICLE 364.—Notwithstanding the provisions of Article 341, if a mine should be denounced as abandoned or deserted, and the possession and corresponding title should be obtained, such possession and title shall be valid and legal, although the mine may not be in reality abandoned or deserted, according to the said article.

ARTICLE 365.—The denouncer of a mine as abandoned, when its possession is guaranteed by a title made out or revalidated in conformity with this law, shall, if he lose the suit originating in the opposition of the owner, pay the costs of such suit, and also an indemnity for damages done said owner, unless he can prove a just motive of error, such as there being no record of the payment of the tax in the Collector's office.

ARTICLE 366.—Any one has the right of denouncing any excess that may have been given to a discoverer of a mine, in the form detailed in the following article, except in such cases as are indicated in Articles 90 and 151.

Equal right is granted to all to reclaim the excess of a mine, respecting which the tax is paid.

ARTICLE 367.—It is necessary personally or by an agent to present to the Alcalde of the district a notice of the intention to ask an adjudication of such an excess of land, naming the mine and locality. This notice must be recorded in the book spoken of by Article 9, and in the form detailed in Article 10, inasmuch as may be applicable to the case.

ARTICLE 368.—All rights acquired by giving the notice spoken of by Article 8, are also acquired by giving the notice spoken of by Article 367, and the provisions relative to the formalities to be observed in the one case are applicable to those to be observed in the other. Still no work or construction can be undertaken until possession has been given of the excess claimed.

ARTICLE 369.—If the excess was the result of having given to the discoverer a greater number of claims than legally belonged to him, according to the class of mine denounced, it is necessary for him who claims the excess to bring an ordinary suit within 90 days from the date of his notice, in order that the mine may be judicially classified : and if by such suit it appears that a greater number of claims were given than was lawful, the excess shall be adjudged to the person claiming it. This does not apply to mines titled before this law was adopted and whose titles have since been revalidated. See Article 90.

ARTICLE 370.—If the suit results in favor of the plaintiff an official copy of the judgment shall, as soon as executed, be sent to the Executive of the Department, who shall then appoint a commissioner to make the measurement and give possession.

ARTICLE 371.—If the excess was only imputable to an error in the measurement or in the calculation made by the interested parties in order to pay the tax, he who claims such excess will not have to bring any suit at all, but it is sufficient to address a petition to the Executive Power, filling as much as possible the requirements of Article 353 and accompanying it by a copy of the notice spoken of by Article 367.

This petition shall be made within 90 days following the date of the notice.

ARTICLE 372.—The Executive Power in the case of the two preceding articles shall then, if he consider the evidence satisfactory appoint a commissioner to make the measurements and give possession. See Article 45.

The sentence given by the judge can accompany the document.

ARTICLE 373.—The commissioner, as soon as he has received the papers of the case, shall order the owner of the mine and the claimant of the excess to each name within 24 hours a surveyor to make the necessary measurements. If it is impossible to notify them personally, the commissioner will proceed according to Articles 358 and 359 and if then the surveyors are not promptly named by each interested party, they shall with a third be named by the commissioner. In any case a third surveyor shall always be named by the commissioner.

ARTICLE 374.—The measurement of the mine shall be at the expense of the claimant of the excess. See Article 58.

ARTICLE 375.—For the measurement to be made, the line fixed by the owner when paying the tax the first year, shall be taken as the base line, and the measurement shall be so made that the mine shall be included between it and a line parallel to it.

ARTICLE 376.—Immediately after said measurement is made the resulting excess shall be put in possession of the claimant, marking it and putting up corner boundaries, and no opposition made is to be taken into account, unless made by owners of adjacent mines

ARTICLE 377.—The opposition made by owners of adjacent mines can only give rise to an ordinary boundary suit, which must be conducted in conformity with the provisions of Chapter XXIII. But even in the case of opposition the commissioner shall give possession of at least that part not claimed by said owners of adjacent mines.

ARTICLE 378.—The provisions of Article 56 are applicable to the present case, counting the term of 60 days from the date of the first official order made by the commissioner.

ARTICLE 379.—When the possession of the excess of a mine is given in the cases provided for by the preceding articles, and any boundary law suit which follows has been decided by the district judge, the official papers shall be sent to the Executive of the Department, observing the formalities prescribed by Articles 71 and following.

ARTICLE 380.—If the claimant should not bring suit, or if he should not send the papers of the case to the Executive within the 90 days appointed by Articles 369 and 371, or if he should not appear to receive possession, or should not solicit the title

within the proper time, he loses all right to the excess claimed, and it can then be denounced again by any one.

ARTICLE 381.—Mines for which titles are granted in virtue of the provisions of this chapter enjoy the same guarantees and privileges that the law concedes to those of new discovery.

CHAPTER XXII.

ORDINARY ACTIONS AT LAW CONCERNING MINES.

ARTICLE 382.—Ordinary mining law suits (*juicios ordinarios*) are not only those brought directly with the formalities of a common, ordinary suit but also those brought to decide questions of possession and ownership arising from the opposition made at the time of giving possession.

A suit brought to decide the better right to a mine, in conformity with the provisions of Article 66, is also classed as ordinary.

ARTICLE 383.—In an ordinary suit, if the possession is demanded, it is understood that the ownership is demanded also, and if the ownership is demanded, it is also understood to include the possession.

ARTICLE 384.—Suits both ordinary and direct concerning the ownership and possession of mines or the real rights established in their favor, follow the procedure established in the Judicial Code before such judges as are designated in the following articles.

ARTICLE 385.—The Judge of the Circuit Court in which the mine is situated is alone competent to take cognizance of questions concerning its ownership or possession or of the real rights established in its favor. If the mine is situated in more than one circuit, all the judges of the circuits in which the mine is situated are competent.

Cases of accumulation shall proceed as in common suits, according to the Judicial Code.

ARTICLE 386.—When the mine is situated in various circuits, the commissioner shall remit the papers of the case to that judge who is nominated or chosen by the majority of the opposers. In case there is no choice, the case shall be tried by the judge of the circuit in which the commissioner resides.

In either case the judge to whom the papers are sent shall try the case.

If opposition or various oppositions should be made before one or more of the judges of the circuits in which the mine is situated, it shall be understood for the effects of Paragraph 1, of this article, that the opposer or opposers wish the judge to whom they present their opposition to try the case.

ARTICLE 387.—All opposition that may be made up to the day on which the cartel is removed is to be tried under one head by the competent judge, according to the preceding article.

The oppositions made during the act of giving possession, and which give rise to an ordinary suit only, are also to be taken together, but only after the termination of any boundary suit that may arise.

ARTICLE 388.—If the judge upon receiving the papers of the case should find in them any notable informality, he shall return them for correction.

ARTICLE 389.—The suit brought in conformity with the provisions of Article 369 must be accompanied by a copy of the notice spoken of in Article 367, and if from said copy, it should appear that the 90 days allowed by law have expired, the suit shall not be admitted.

ARTICLE 390.—In general the opposer must be the plaintiff in the suit occasioned by his opposition.

There are, however, two exceptions :

1. When the opposer has a title granted or revalidated in conformity with this law and presents it at the time of formulating his opposition, together with an information which clearly proves that the portion of the mine in dispute is comprehended within the boundaries given in his title.

2. When the opposer is an anterior discoverer of the mine, and proves the same by presenting a copy of the notice given to the Alcalde in conformity with Article 8, and by presenting an information signed by witnesses in which he proves that the portion in dispute is the same that he denounced, or that it is at least a part of it.

ARTICLE 391.—When the opposer figures as plaintiff, the writing in which he formulates his opposition is considered as a complaint, and it must have the requisite character of such.

ARTICLE 392.—If the opposition, after being duly made, lacks some of the requisite conditions imposed by law, the judge shall grant the opposer a prudential time to correct the defects, and

at the same time point them out; and if corrected within the time, the judge shall proceed with the case.

If not corrected, the opposition will be held as not having been made. (See Article 64.)

ARTICLE 393.—In the case when the opposer does not act as plaintiff, the writing formulating the opposition is not considered as a complaint but as a denial of the exactness and justice of the denouncement. A copy of the denial shall be presented to the denouncer, and in six days he must prepare his answer.

ARTICLE 394.—If the denouncer should not make answer in the time fixed by the preceding article, the denouncement will be considered as null and void.

ARTICLE 395.—If the judge, from the nature of the proofs presented by the opposer, believes that the latter should figure as plaintiff, he shall so declare; and if the writing formulating the opposition has the requisite conditions of all complaints, it shall be taken as legally established as such. If the contrary is the case, the judge shall grant a time to correct its defects, and in case they are not made, the complaint is void. (See Article 64.)

ARTICLE 396.—The complaint having been admitted in any of the cases mentioned by the preceding articles, the defendant shall be notified, and the case then conducted in the ordinary way, in conformity with the Judicial Code.

ARTICLE 397.—When opposition is made by a person who is neither the owner, nor his legal or legitimate representative, such person must at the time of formulating his opposition prove his legal right to make for the owner this opposition (*legitimarse su personería*); and if this is not possible, the judge shall exact bonds that, in conjunction with those that must be exacted in conformity with Article 62, will hold him responsible. This must be done in writing on stamped paper.

ARTICLE 398.—If the opposition is made by a special attorney, made such by means of a memorial, the said attorney is declared to have power to continue action in the suit.

ARTICLE 399.—If the judge should be of the opinion that the said power of attorney was not made in due form, he shall require the attorney to prove his power to act or require him to give bonds as in Article 397.

ARTICLE 400.—In case the power of attorney is refused, the person making said power shall be duly notified, presenting to

him, if necessary, all the documents and letters in the case at the cost of him who pretends to be his attorney.

In this case, the provisions of Article 64 shall not be complied with until a time equal to the time granted to formulate the opposition, that required to travel the distance, and three (3) days more have expired, during which time the power of attorney can be revalidated, another made ; or the opposition can be made in person.

ARTICLE 401.—Verification of the payment of the tax shall be made in the form detailed in Articles 165 to 173.

ARTICLE 402.—When a former discoverer opposes a possession, be it before the removal of the cartel or at the time of giving said possession, and such opposition is founded on the fact that part of his mine is included in the limits of the mine whose possession is about to be given, the commissioner shall stop the proceedings, and give to the first discoverer that part belonging to him ; and there shall be no necessity of bringing a suit at law.

Still if the person to whom possession is about to be given should exact said possession in its entirety, offering to respect the right of the first possessor, even although it affects the rights of the possession conceded to him, it shall be given ; but in this case said possession in no way affects the rights of the first discoverer, and the latter may exact bonds from the former that the product obtained from that portion of the mine which shall afterward be awarded him shall be returned to him.

ARTICLE 403.—Notwithstanding the preceding article, if the parties interested are not in accord as regards their rights, suit shall be brought to adjust said rights.

CHAPTER XXIII.

BOUNDARY SUITS.

ARTICLE 404.—Boundary suits may originate by direct complaint, when the line dividing two mines is doubtful, or in consequence of opposition made by the owner of a mine to the possession about to be given another.

ARTICLE 405.—The same judges competent to take cognizance of ordinary suits (see Articles 385 and 386) are competent to try boundary suits.

ARTICLE 406.—The procedure in boundary suits shall be in accordance with Title 17, Book II. of the Judicial Code.

ARTICLE 407.—The provisions of Articles 390 to 395 are applicable to boundary suits arising from opposition.

ARTICLE 408.—In any case the opposer at the time of formulating the opposition must exhibit his title. If this should not be possible because he has not said title at hand, the judges shall grant him sufficient time to procure and present it. If, at the expiration of said time, the title has not been obtained and presented, the opposition shall be considered null and void, and the commissioner shall proceed to give possession.

ARTICLE 409.—When the opposer is the plaintiff in the suit, the writing formulating the opposition is considered as a demand or complaint; and as much in this case as in that when the opposer is the defendant, the suit is carried on in the manner set forth in Article 1,259, and those following it in the Judicial Code; it being understood that the discoverer or restorer is not obliged to present any title, and that in the suit all documents concerning his denouncement and possession shall be taken into account.

ARTICLE 410.—If the opposer should pretend that his mine extends to and is bounded by another mine already granted and titled, and consequently denies all right on the part of the discoverer, the testimony of the owners of the adjacent mines shall be taken.

ARTICLE 411.—When any interested party is not satisfied with the boundary given, he can bring suit in the form provided by Article 1,266 of the Judicial Code. In this suit he must act as plaintiff.

ARTICLE 412.—It is presumed that the line dividing two mines is that fixed by the official papers of a special boundary suit, and such line can not be changed by a sentence in an ordinary suit, unless one of the parties interested shall prove that said line must pass through certain determined points different from those expressed in the special suit.

CHAPTER XXIV.

POSSESSORY SUITS.

ARTICLE 413.—Possessory suits are brief and summary, and either circuit or district judges, as the case may be, can take cognizance of them.

They make effective or preserve the possession of mines, and the rights and privileges established in their favor.

ARTICLE 414.—The plaintiff must present proof that he has had possession in the form and for the time spoken of by Article 321.

ARTICLE 415.—Any one having the right to a mine in virtue of a title granted or revalidated in conformity with this code can petition the judge of the district or circuit, in which the mine is situated, to make effective the possession, conceded and guaranteed him by the law, by putting him in material possession of the mine.

ARTICLE 416.—In the petition presented to this effect the petitioner must state who is occupying the mine and who are the owners of adjacent mines.

ARTICLE 417.—The judge being satisfied of the right of the claimant shall order that the mine be given him, having previously cited the owners of adjacent mines and such other interested parties as are indicated in the petition.

ARTICLE 418.—If the party occupying the mine claims to be the regular possessor of it, the judge shall grant him time to bring forward his proofs, meanwhile suspending the proceedings.

ARTICLE 419.—If the occupant should prove within the appointed time that he is the regular possessor of the mine, and that his title is anterior to that of the petitioners, the claim of said petitioner is denied, and from this decision there is no appeal except in the effect of what may be restored, (*sino en el efecto devolutivo*).

ARTICLE 420.—If the person holding the mine does not prove that he is the regular possessor, or if his title should be posterior to that of the plaintiff, possession is given to the petitioner; and from this decision there is no appeal, except in the effect of what may be restored, (*sino en el efecto devolutivo*).

ARTICLE 421.—All the buildings and machinery on the prop-

erty are presumed to be the property of the occupant until the contrary is decided.

ARTICLE 422.—If the case be decided in favor of the petitioner, the former occupant is obliged to sell all such buildings and machinery to the regular possessor, if the regular possessor should wish to buy them. The price for such buildings and machinery is to be fixed by three referees, one named by each party and a third by the judge.

ARTICLE 423.—In case the regular possessor does not wish to buy such buildings or machinery, he can not damage or destroy them, although it might be to his interest to do so.

ARTICLE 424.—The ordinary possessor always has the right to dispose of such buildings or machinery.

The violent or clandestine possessor forfeits them to the regular possessor ; but until this is decided judicially the provisions of the preceding articles must be complied with.

ARTICLE 425.—If the regular possessor should demand the former occupant to make effective the right conceded him by paragraph second of the preceding article, he may ask the judge to enjoin said occupant against the removal or destruction of such or any buildings or machinery, until he shall have furnished bonds to respond for the value of any damage done to them or for their destruction. Or the petitioner may ask the judge, even before his claim is established, to prohibit the removal or destruction of buildings or machinery, and the judge shall grant a temporary injunction to that effect ; but if said petitioner should not establish his right as regular possessor within 15 days the injunction ceases and the judge shall confirm the occupant in his right.

ARTICLE 426.—In any case, at the time of giving possession of a mine under the preceding circumstances, a detailed inventory shall be made of all buildings, machinery, tools, etc., and note made of everything claimed by the occupant.

ARTICLE 427.—When the plaintiff petitions for protection against disturbance or embarrassment in the possession of a mine, he shall accompany said petition by full proof of the disturbance which causes it.

ARTICLE 428.—Judges of the Circuit or District in which the mine is situated are competent to try suits of this nature.

ARTICLE 429.—In the case of the preceding article the judge shall examine the proofs submitted by the plaintiff, and if he

shall consider the action well founded, he shall without citing or having audience with the defendant enjoin him within twenty-four hours from violating the rights of the plaintiff in the future and to give bonds to respect said right.

ARTICLE 430.—This sentence is interlocutory, and the defendant shall be personally notified.

This sentence does not prevent the defendant from entering an action of domain or recovery, or any other action to which he may be entitled or that he must execute, notwithstanding the denial of appeal, which can only be conceded in the effect of what may be restored (*en el efecto devolutivo*).

ARTICLE 431.—The person so notified can within three (3) days petition for the reversal of the interlocutory decree, accompanying his petition with such proofs as he esteems proper, or asking that testimony be taken.

ARTICLE 432.—If the reversal petitioned for is granted, the decree shall be published in the court ; and an appeal can only be taken in the effect of what may be restored (*en el efecto devolutivo*).

ARTICLE 433.—When any one petitions that the possession of a mine, of which he may have been violently despoiled, shall be restored to him, he must accompany his demand by proof of the despoliation, proof of having been in possession of the mine at the time of the despoliation, and finally, proof that the six months allowed by law have not yet expired.

ARTICLE 434.—Judges of the circuit or district courts are competent to take cognizance of such suits. Still, when the despoliation was caused by any public authority of the district, the action shall be tried by the judge of the circuit court ; and when caused by any authority having jurisdiction over more than one district, said action shall be taken before the Superior Tribunal.

ARTICLE 435.—It can not be said that there is violent despoliation, except where a person acquires possession by violence.

ARTICLE 436.—The judge to whom is presented a complaint of despoliation, shall examine the proofs accompanying the complaint, without citing or hearing the despoiler, and if from them it should appear that the action of the plaintiff will lie, in conformity with the preceding articles and of Article 331, he shall within twenty-four (24) hours order the restoration of the mine to the plaintiff.

ARTICLE 437.—The decree dictated according to the provisions of the preceding article is subject to appeal only in the sense of a restoration of former conditions. (*Statu quo ante.*) Still, reversal of the sentence can be demanded within three (3) days after the restoration is ordered, and if such reversal is decreed, things are restored to the same state as before, and the plaintiff can not appeal except in the sense of restoration of former conditions

ARTICLE 438.—It can not be said that there is violent despoliation by public authority, except when a public officer ejects an individual from the possession or holding of a thing, without a previous hearing, without conceding him right of appeal in both meanings before the superior officer, or without a legal order from the proper authority.

In order that this despoliation shall be classed as violent despoliation the actual use of force is not necessary; it is sufficient that compliance with the order of such public authority means ejectment or abandonment of the thing or possession.

ARTICLE 439.—In case of violent despoliation by public authority, said despoliation shall be established by an integral copy of the proceedings, made at the cost of the party interested.

The judge before whom the restitution is solicited, shall ask information of the authority implicated, of the cause of the despoliation, appointing a time peremptorily to despatch such information and such officer must obey

ARTICLE 440.—Despoliation being proved in the form provided by the preceding article and six months not yet having expired, the judge shall order the restitution, and such order shall be carried into effect immediately, and to such order there is no appeal other than that in the meaning (*devolutivo*) *statu quo ante.*

ARTICLE 441.—The summary proof spoken of by the preceding articles consists of deeds of the mine, writings or documents recording contracts concerning the mines and the testimony of witnesses.

ARTICLE 442.—The demand or suit for the indemnification for damages caused by disturbance or despoliation of possession, shall be entered and conducted before the competent judge, according to the sum involved and in conformity with the procedure of ordinary suits at law.

ARTICLE 443.—In the suits for possession treated of by this chapter, the demolition of the buildings or works on or in the mine, which is the cause of said suit, is not allowed, until the question of its ownership is decided, the decision of the Court determining what must be done with said buildings or works.

ARTICLE 444.—Possessory suits based upon the denouncement of new or old works as well as those of retraction, shall be conducted in the form detailed in Titles 19, 20 and 21 of the Judicial Code, adverting that :

1. The references made to the Civil Code are understood to be made to this law. The reference in Article 1,310 of the Judicial Code to Article 1,014 of the Civil Code shall be understood as applying to Article 336 of this Code.

2. The time spoken of by Article 1,290 of the Judicial Code to formulate a demand or complaint shall be the time of the distance plus three days

3. To Article 1,294 the following paragraph shall be understood to have been added : But if in the judgment of the arbitrators the continuation of the work would impede or make difficult the labor of the mine, said work can not be continued until the termination of the suit.

4. In the case of Article 1,295 of said Judicial Code, the judge only responds for the actual solvency of the bondsman, and the solvency shall be taken or held as proved, when it was credited and generally known at the place.

5. All suits or action of retraction brought in virtue or on account of the transfer of a mine, are conducted under one head, and shall be entered before judges competent to try ordinary suits for the possession and ownership of a mine. If brought by various persons before different judges, they shall be re-entered collectively, before that judge who received the first, observing the procedure detailed in the Judicial Code, Book 2, Chapter 3, Title 3.

CHAPTER XXV.

SPECIAL SUITS.

ARTICLE 445.—The rights that emanate from the existence of a judicial decision, such as those that may result from the provisions of Articles 224, 225, 226, 230, 234, 240, 241, and others of a similar nature, are made effective by means of an articulation, substantiated as provided for in Article 458 of the Judicial Code. But if there should be facts to be proved, the judge shall open the case for proofs, for a term not to exceed ten days. In case the proofs required can only be obtained at some distance from the court, this time of ten days can be further increased, but in no case shall it exceed the time required for double the distance. In any case, the judge shall practice and shall require from the parties such declarations as he may esteem convenient for his decision. This articulation can be advanced by the interested party, even although he may not be a party to the suit.

ARTICLE 446.—In cases where questions arise relative to certain points that can only be decided by experts or referees, as in the case of Articles 209 and 212, in the indemnity treated of by Chapter 13, and others of the same nature, the following shall be observed.

The interested party shall present to the judge of the district an account in writing, in which are enumerated the rights and privileges he believes himself to possess and it shall also name the person disputing them. The judge shall then summon the defendant and grant him time, not to exceed three (3) days, to present his account, showing in what he agrees and in what he disagrees with the complaint. If the defendant should not present an account, the complaint of the plaintiff will be held as true.

If there should be facts which the judge considers doubtful, testimony shall be taken. (See preceding article).

All this having been done, the judge shall order the parties interested to name the necessary referees or experts, within twenty-four (24) hours.

The referees, having accepted the mission and taken oath to the proper performance of their duties, shall be given all the documents and proofs in the case by the judge, who shall also appoint a time in which they must dispatch their labors.

The decisions of the referees shall be executed without

appeal, and in their execution the dispositions of Title 13, Book 2 of the Judicial Code shall be followed.

ARTICLE 447.—The decisions of the judge, dictated in conformity with the preceding article, can only be appealed from in the sense *devolutivo*, but those decisions that have for an object the execution of the decisions of the referees shall follow the provisions of Title 13, Book 2, of the Judicial Code.

ARTICLE 448.—If the judge should believe that the referees can not perform their duty for lack of the necessary data, or, if treating of indemnification, the parties should not agree upon the article or its value, he shall order each party to name within twenty-four (24) hours an arbitrator, who, in connection with a third named by himself, shall decide what is to be done—that is, shall decide on the quality or quantity of the things to be valued. This duty of arbitrator is of obligatory acceptance. It is not incompatible with the duty of the referee or expert, and in fact both duties can be performed by an expert.

The decisions of the arbitrators are binding and final. The decisions of the arbitrators being given, the judge shall proceed to name the experts and practice such action as is necessary.

The judge shall grant the arbitrators a time within which they must perform their duties, compelling them thereto, if necessary, by such means as he can use.

ARTICLE 449.—Suits brought to establish conceded rights and privileges, such as those entered in accordance with the provisions of Articles 181, 245 and 246, shall be conducted as is indicated in Article 427 and those following it.

ARTICLE 450.—In suits which must be summarily decided by the judge, as those arising in consequence of the provisions of Articles 208 and 240 and of similar articles, a brief shall be presented to the judge, accompanied by such proofs and vouchers as are thought necessary. The judge shall examine said brief and, if the evidence presented warrants it, shall give a decision within four (4) days.

In case of insufficient evidence, he shall explain the nature of the evidence wanted and grant the plaintiff sufficient time to procure it. Such time shall not exceed by more than eight days the time required for double the distance to the place where said proofs are to be obtained.

When this new evidence is presented, judgment shall be given within four (4) days.

From these decisions appeal can only be taken in the sense, *statu quo ante*, (*devolutivo*).

CHAPTER XXVI.

MISCELLANEOUS.

ARTICLE 451.—Any one lending money to a miner, for the purpose of erecting works on a mine, has a first lien on said mine, and said mine and its products are always responsible for the repayment of the money lent with interest accrued.

In case there are various creditors of this class their claims shall be paid *pro rata*.

From the provisions of the above paragraphs are always excepted salary of director or superintendent and of the workmen, which must always be paid before the other creditors mentioned.

When beside the creditors mentioned by this article, there are also creditors of the first class, defined by Article 2,574 of the Civil Code, the provisions of Article 2,578, shall be observed, and to this end, the creditors herein mentioned shall be taken as second-class creditors.

Still the mine and its products shall not be disposed of to pay creditors of the first class to the exclusion of creditors of the second class except when all other property of the debtor is exhausted.

ARTICLE 452.—All Alcaldes are strictly obliged to publish by town crier all notices recorded in the book mentioned by Article 9. Said publication shall be made on the four (4) public (market) days, following the date of the notice, and record of such publication shall be made on the margin opposite the entry of the notice.

ARTICLE 453.—In accordance with the dispositions of this law, ownership may be acquired and maintained of fissure or alluvial mines, although such mines are not gold mines—*i. e.*, they may be of any other metal. Sedimentary deposits can be acquired only by special concession from the National Government.

Mines, which are the property of the owner of the soil, can be worked by him without complying with other regulations than those dictated for the security and health of the public by the authorities of such. (Repealed).

ARTICLE 454.—When a vein mine is denounced which lies wholly or partly within the limits of a mine of placer gold, the former can not be worked to the prejudice of works already established in the latter. The difficulties that may arise in regard to the working of both mines shall be decided by three arbitrators, one named by each party and a third by the judge. The provisions of this article also apply to mines of placer gold denounced within the limits of vein mines.

ARTICLE 455.—In all suits concerning mines, the times granted in this code for the performance of various acts can be rescinded by proving the circumstances detailed in Article 47.

ARTICLE 456.—The rights conceded by this law can be established by an ordinary suit, in those cases where no special procedure is provided. The right granted by Article 47 to impugn the assertion of legal impediment in not giving or presenting the cartel to the commissioner within the time required by law, can be made effective by means of a suit entered before possession is given, or by legal opposition to the possession made within the time appointed by law.

ARTICLE 457.—The office of expert or appraiser is obligatory upon the citizens of the district in which the appointment is made, and those appointed can only be excused for the same reasons as those required to excuse persons appointed for those public offices which are of obligatory acceptance.

ARTICLE 458.—The parties interested in the appointment of experts or appraisers must furnish said experts or appraisers with the means of transportation as well as necessary food. Said experts shall also receive one dollar for each day spent in traveling to and from the place of the mine, all without prejudice to the provisions of Article 58.

CHAPTER XXVII.

FINAL PROVISIONS.

ARTICLE 459.—This law shall go into effect on the first day of January, 1868, and on that day, Law 3, of October, 1864, is repealed, and its provisions shall be null and void. In consequence, controversies and law suits concerning acts executed, rights acquired, and obligations contracted, after that day shall be decided in accordance with the provisions of this law ; but

the controversies and law suits upon acts, rights and obligations anterior to said date, shall be decided in accordance with the laws in force at the time the act was executed, the right acquired, or obligation contracted. However, such provisions of the present law as relate purely to procedure are applicable to all cases that may occur.

ARTICLE 460.—All cases of opposition duly formulated on or before January 1, 1868, shall follow the course prescribed by the provisions of former laws, and the provisions of Chapter 22 of this law, can introduce no change in said course. But if up to said date the opposition shall not have been duly formulated, and if it falls under any of the cases cited by Article 392, the provisions of said article shall be applicable to it, and the procedure of Chapter 22 shall be followed.

ARTICLE 461.—During the month of December possession of mines shall not be given, but the preparatory formality of possession can be practiced, observing as much as it may be possible to do so, the provisions of Chapter 5, of this Code, and possession shall be given as soon as this law is in force. If possession of some mine should be given in said month, it will be necessary to repeat it, observing the formalities provided for in the above cited Chapter 5.

ARTICLE 462.—If the Executive Power, making use of the authorization granted by Law 92, upon the formation of Codes should appoint a commission for the formation of a new Code of Mines, said commission shall take the present law as the basis for their work.

GIVEN IN MEDELLIN, OCTOBER 21, 1867.

The President, Roman de Hoyas.

The Secretary, Juan Jose Molina.

The Executive Mansion of the Sovereign State of Antioquia,
Medellin, October 21, 1867.

Execute [L. S.] Pedro Berrio.

Secretary of Hacienda, Abraham Moreno.

MINING LAWS.

LAW 292, SEPTEMBER 20, 1875, ADDING TO AND AMENDING THE MINING CODE.

The Legislature of the Sovereign State of Antioquia decrees :

ARTICLE 1.—When a mine is located in several or more districts, the notice spoken of in Articles 8, 79, 346 and 367 of the Code can be given to the Alcalde of any one of said districts.

ARTICLE 2.—The discoverer of a mine, whether the mine be a new or abandoned one, or whether it be on a known or newly-discovered vein, shall have the right to three continuous claims, all without prejudice however to the prior rights of the owners of adjacent mines.

Consequently for all legal effects there is no longer any distinction made between mines in a new district, new mines in a known district or new mines on a known vein being worked in some parts.

ARTICLE 3.—The provisions of the preceding article shall also apply to those mines already advised (*avisado*) or denounced, (*denunciado*), but of which possession has not yet been given up to the time of the enactment of this law.

ARTICLE 4.—Those titles that could not be rejected except for granting a greater number of claims (*pertenencias*) than ought to have been granted in accordance with the classification of vein mines made by the laws upon the matter up to the present, are hereby declared valid, always provided that the tax spoken of in Chapter XI. of the Code shall have been or shall be paid.

All without prejudice to rights legally acquired by a third.

ARTICLE 5.—After Article 9 of the Code, the following shall be added :

“The book spoken of by the preceding article shall be closed at the end of each year, and remitted to the Secretary of Hacienda to be kept in the archives of that office, a copy being left in the archives of the Alcalde.

“The books already closed and which to the present have remained in the offices of the Municipal Alcaldes shall also be remitted to the same Secretary of Hacienda for the purpose mentioned.

“The Executive shall dictate such dispositions as are necessary to put this article into effect and that its provisions may be duly executed.”

ARTICLE 6.—Paragraph 7, Article 33, shall read as follows :

“After the signature of the denouncer there must be added a note signed by the Administrator General of the Treasury that the fees, if there should be any, have been duly paid.”

ARTICLE 7.—After Article 45 shall be added the following :

“When the denouncer solicits it, the Alcalde, commissioned to carry into effect the formalities of possession, shall appoint the Inspector of Police of that section, to give possession of the mine.”

ARTICLE 8.—Article 46 shall read as follows .

“The Executive shall frank to the commissioner a despatch, giving him the instruction esteemed convenient for the practice of the required formalities, accompanying it by the corresponding cartel in which it is announced that possession is to be given of the mine, the which shall be clearly defined.

“If the remitment of the despatch should be made by conduct of the interested party, said party must deliver the documents to the commissioner within twenty days after the time necessary to make the journey from the place where he received the documents to the place where the commissioner is to be found.

“If this be not done, the denouncement as well as the other formalities complied with shall be considered invalid.

“In order that the provisions of the preceding paragraph may be complied with, a note signed by the interested party shall be made on the official papers retained in the office stating that the remitment of the despatch and cartel is made by said interested party.”

ARTICLE 9.—After Article 56 shall be added the following :

“As soon as the denouncer or his legal representative shall solicit the possession of the mine within the time fixed in Article 56, the commissioner shall within twenty-four (24) hours, appoint a date on which to initiate the proceedings of giving possession, but such date shall not be sooner than five or more than forty days from the date of making said appointment.”

ARTICLE 10.—If the possession should not be carried into effect on the day appointed, owing to the fault of some of the officials whose presence was necessary, the expenses incurred shall be at the cost of said officials.

ARTICLE 11.—In the case mentioned in the preceding article, and also in case the interested party for a just cause legally

proved, should not present himself to receive possession on the day appointed, a new appointment to give possession shall be made in conformity with the provisions of Article 9.

ARTICLE 12.—The Executive Power has the right to qualify (judge) the proofs that the denouncer or interested party presents to justify the cause that prevented him from asking the possession or of presenting himself to receive it within the term fixed in Article 56 of the Code.

To the Executive Power also belongs the right of deciding upon the responsibility of the culpable official in the case of Article 10, from the proofs presented by the interested parties.

ARTICLE 13.—If the interested party, to the end of avoiding delays, should advance the expenses for the possession when such is not at his expense in accordance with the provisions of Article 10, he shall have the right to promptly recover them from the responsible officer, upon swearing the sum before a competent judge, as soon as the decision referred to in Paragraph two, Article 12, is given.

ARTICLE 14.—Article 58 shall read as follows :

“The official papers concerning the taking possession of mines shall be made at the cost of the denouncers, who must furnish the public officials and surveyors taking part, the necessary food and passage. The denouncers shall also pay the following fees : to each official [the commissioner and secretary] eighty (80) cents for each miriameter that must be traveled to the place where possession is to be given, and one dollar for the writing of the official papers ; to each surveyor forty (40) cents for every hour's work at the place where the mine is situated and eighty (80) cents for every miriameter traveled to the mine.

“But if the official writing of the possession should be annulled for some omission of the officials or surveyors, it must be repeated free of charge, and if this should not be possible, the official shall return the fees received.”

ARTICLE 15.—If some irregularities should be found in the proceedings anterior to receiving possession, be it because the cartel was not posted for the legal time or be it that some note was not properly recorded on it, such irregularity shall not annul the possession, but shall be ordered corrected by the Executive Power.

ARTICLE 16.—Article 62 shall read as follows :—

“Opposition can be made by the interested party in person,

by his legal attorney, by him who is in actual charge of the mine, or by any person who will give bonds to the official receiving the opposition, to the effect that the party in whose name he makes the opposition will approve of said opposition as though made by himself.

The bonds shall respond to the denouncer in case the opposition is not approved, for the damages caused him by said opposition.

Of said bond a record shall be made signed by all the interested parties

The power of attorney to make opposition can be granted in the form provided in Article 53.

ARTICLE 17.—Article 72 shall read as follows:

“It shall be understood that the title has been solicited when the interested party has paid into the “Administracion General del Tesoro” the necessary fees and consigned in the “Secretaria de Hacienda,” the stamped paper required to make it out, even although the petition for the title may not have been received in said office.”

ARTICLE 18.—Article 73 shall read as follows:—

“When there is no opposition or this should not be formulated, the title of a mine must contain the following :”

1. A copy of the notice (*aviso*) given by the discoverer to the Municipal Alcalde.
2. A copy of the denouncement and of the explanations and declarations made concerning it.
3. A copy of the official writings of the possession.
4. A copy of the resolution, ordering the title to be made out.
5. A record of the payment of the respective fees.

ARTICLE 19.—Article 74 shall read as follows:

“When the opposition is completed and in consequence a judicial decision has been handed down, the title must contain the following records, beside those mentioned in the preceding Article.”

1. A copy of the writing in which the opposition is formally presented.
2. A copy of the reply to said opposition.
3. The decision of the judge in the suit brought and its number in the court records.

If the suit was adjusted by mutual agreement of the parties, the title must contain a copy of the terms of said agreement.

ARTICLE 20.—Paragraph 1, Article 76, shall read as follows :

“He who by any circumstance should lose the title of his mine can ask that a new one be made out and it shall be so done, always provided that it is fully proved that the title said to be lost was really made out and that the payment of the tax spoken of by Chapter XI. is proved.”

ARTICLE 21.—Article 82 shall read as follows :

“If the Executive Power should approve of the statements presented, he shall cause a notice to be published in the official journal at the cost of the claimant, giving an account of his claim ; to the same end he shall cause to be posted a *Cartel* in the public place of the chief town of the district where the mine is, for twenty consecutive days ; and he shall cause the owners and denouncers of adjoining mines to be informed of said claim, and if within the three months following the taking down of the *Cartel*, no one should oppose, the title shall be made out, inserting in it all the documents of the case. But before the title is made out, it is necessary to pay into the “Administracion General del Tesoro” the denouncement and title fee.”

ARTICLE 22.—To Article 101 shall be added this paragraph :

“The nullity of title in the case spoken of in this article does not exist if the ownership of the excess of the mine has been preserved in accordance with the provisions of Article 151.”

ARTICLE 23.—Article 142 shall read as follows :

“All mines shall pay to the government of the Department an annual tax proportionate to the extent of the mine, in accordance with the regulations provided in the present chapter. The first payment shall be made after possession is given, and before the termination of the common year in which said act took place, and there shall be no reduction in said tax, even although a year may not have elapsed since possession was given.”

ARTICLE 24.—Article 149 shall read as follows :

“Notwithstanding the provisions of the preceding article, the owner of a mine can abandon a determined part of it, and at the time of paying the annual tax he shall clearly indicate and bound the part he wishes to preserve, and in this case he only pays a tax corresponding to the part he preserves, over which he preserves full right; all without prejudice to the provisions of Paragraph 2 of Article 366, regarding the excess that the part retained may have.”

ARTICLE 25.—The parts of mines for which there has been paid their proportional tax up to the present, with the object of abandoning the remaining parts, without, however, observing the requisite formalities established in Articles 149 and 150 of the Code, are considered as legally protected, always provided that a third may not have acquired a better right to those parts in accordance with the provisions of the Code, and provided that in making the next annual payment of taxes the provisions of Article 24 of this law be complied with.

ARTICLE 26.—The provisions of Articles 155 and 156 of the Code are applicable to the two cases spoken of in Articles 24 and 25 of this law.

ARTICLE 27.—Article 151 shall read as follows :

“When a mine owner believes, from the boundary line given in his title, that his mine has a greater extent than that indicated in said title, he can in the future pay the tax proportionate to the excess that he calculates, and by so doing he preserves the right to said excess, always provided that the excess is within the boundary lines mentioned in the title and that a third may not have acquired a preferred right to the excess in accordance with the provisions of Article 366. The provisions of Article 163 of the Code are not applicable to the case here given.”

ARTICLE 28.—Article 182 shall read as follows :

“Houses, court-yards, orchards and gardens are not subject to the servitude of aqueduct.”

ARTICLE 29.—Article 257 shall read as follows :

“In any case, the votes must be valued and enumerated according to the number of shares in the mine possessed by each associate, so that if one or more persons are owners of only one share, they shall have but one vote, and he who has two shares has two votes, and so on.”

ARTICLE 30.—The denouncements of abandoned mines shall be published in the official journal, and the Executive Power shall not proceed to act upon them until thirty days after the publication.

ARTICLE 31.—Article 358 shall read as follows :

“If the denouncer should not know the name of the last possessor of the mine, or if said possessor should not be found in the place of his last residence, he shall be notified by means

of an edict posted in the office of the commissioner and published by town crier on two public days."

ARTICLE 32.—The notice (*aviso*) spoken of by Article 275 of the Code shall be made, at the request of the seller, by any official of police or judicial jurisdiction, all of which must be extended in writing and signed by the official, his secretary, and the person or persons notified. If the person to be notified is absent and the place where he is to be found should be known, the notification can be made by means of an official dispatch sent to one of the authorities of said place, and the person so notified shall have the time required to travel the distance, beside that mentioned in Article 275, in order to make use of the rights conceded him in said article. If the place where he is to be found should not be known, the notification can be made by means of an edict published in the official journal. Two months, counting from the date of publication, having passed, the notification shall be considered as legally made.

ARTICLE 33.—Article 346 shall read as follows :

"If a mine should be denounced as deserted or abandoned and its possession and the corresponding title obtained, these shall be valid, even although it should afterward prove that the mine was of new discovery."

ARTICLE 34.—Article 375 shall read as follows :

"The base for the measurement of the mine shall be the same as that used when possession was given to the discoverer. If this is not sufficiently defined, then that fixed by the owner in accordance with the provisions of Article 155 shall be taken. If this also should be obscure, then either of the end lines of the mine which is selected by the owner shall be taken as the base for the measurement referred to.

The measurement shall be made in such a manner that the mine, separated from the excess, shall remain an integral whole, and lie between the base line and another line parallel to it."

ARTICLE 35.—Article 376 shall read as follows:

"As soon as the measurement is completed, the excess, if any, resulting from it, shall be given to the claimant, except the owner of the mine or the owner of adjoining mines, all of whom should have been previously cited to appear, shall make opposition at the time of granting said position. If opposition is made, the act of giving possession shall be suspended, and can

then only be made in accordance with the decision of a competent judge."

ARTICLE 36.—The provisions of Chapter VI. of the Code are applicable to the opposition made by the owner of a mine, an excess of which may have been denounced, or to the opposition made by the owners of adjacent mines.

ARTICLE 37.—The owner of a titled mine who abandons a part of it in accordance with the provisions of Articles 149 to 153 of the Code, must do so in such a manner that the part retained shall be in a single body, and separated from the abandoned part by lines parallel to that which served as the base for the original survey of the mine.

ARTICLE 38.—When an excess in a titled mine or in that which may be held in legal possession, and of which the owner has abandoned a part, contiguous to the line which served as a base for the original survey, is denounced, the measurement which must be made to find out the excess shall not be made on said original base line, but on the line parallel and nearest to it, fixed at the time of the abandonment in conformity with the provisions of Article 149 of the Code [vide preceding article]; always provided that the owner does not prefer the parallel line on the opposite side to be taken as a basis for said measurement.

ARTICLE 39.—The part of a mine abandoned by its owner in accordance with the provisions of Articles 149 to 153 of the Code, becoming by that act a deserted mine, can be denounced only as such, and can not be taken as forming part of the original mine and denounced as an excess in a mine.

ARTICLE 40.—The mines of emeralds existing in the territory of the State belong to it. The State cedes the ownership and possession of such mines to those who may denounce them in conformity with the provisions of the Code of Mines adopted October 21, 1867. Consequently to acquire and to hold the ownership and possession of said mines, the prescriptions and provisions established in the above cited Code must be observed.

ARTICLE 41.—The liberty of working emerald mines recognized by the present law, remains subject to the restrictions and provisions imposed by Articles 2 and 3 of the National law of May 31, 1870, which abolished the fiscal monopoly of said mines.

ARTICLE 42.—The other mines spoken of by Paragraph 3 of Article 1 of the Law 127, which are in uncultivated lands, or of

the State, can be denounced, and the possession of them acquired in the same manner as those of gold, silver or emerald.

ARTICLE 43.—The ownership of mines such as of gold, silver, platinum, or copper which may have been denounced and possession granted, is preserved, whatever be the proportion in which these metals are naturally alloyed, either with themselves or with other metals.

ARTICLE 44.—The tax spoken of in Chapter XI. of the Code can be paid for two or more years, and in this case the mine for which the tax has been so paid shall not be considered as abandoned during the years for which the tax has been paid.

ARTICLE 45.—The owners of titled mines who may have paid the established tax can, when the mines are not involved in litigation, permanently assure the ownership of them, and remain forever free of the tax in the future, by paying at one time the tax required by the code for a period of twenty years. In this case the mines can never be registered by another.

ARTICLE 46.—When the owner or owners of a mine of any class whatsoever, in order to more easily work their mines, are necessitated to construct ditches, or canals for drainage, they can do so, even although said ditches be outside the limits of their ownership, always provided that they do not cause injury to the interests of a third party, who may possess another mine near by.

ARTICLE 47.—If the work spoken of in the preceding article should be commenced, and some or any of the owners of a mine or mines near by should oppose it, (its further construction), the Alcalde of the district shall go to the place, accompanied by two experts, to make investigation of said work, and if in the judgment of the experts, it would appear that damage would result to said opposing owners, the Alcalde shall cause the owner about to construct the ditch or similar work to guarantee the payment for the damages that in the opinion of the experts may result from the continuance of said work.

ARTICLE 48.—When on the contrary the ditch is convenient for various mines, the expenses of it shall be made by the owners of said mines, in proportion to the benefit that will, in the opinion of referees, accrue to each one of them.

ARTICLE 49.—If some or any of the owners of the upper mines should refuse to pay their proportional part of the expenses for

the ditch spoken of in the preceding article, they can not avail themselves of the benefits of the works executed by the others without paying the part that corresponds to them in the opinion of referees. The provisions of this article cover drainage in any form, whether it be by ditches, machines, pumps, or other similar means. The provisions of this article apply to the works which may have been constructed, or are being constructed at the time of the adoption of this law.

ARTICLE 50.—Mines belong in all their depth to those who may possess them with a legal title.

ARTICLE 51.—No mine can be denounced as deserted or abandoned under any other name than that which it had at the time of its abandonment, always provided that it is known by this name, and he who should denounce it by another name shall lose for four years the right of denouncing that mine.

ARTICLE 52.—In the future, alluvial or placer gold mines can not be denounced within the boundaries of titled vein mines, for which the tax established by law has been paid.

ARTICLE 53.—As a general rule, the opposer must be the plaintiff in any suit to which his opposition gives place, except in the following cases :

1. When the opposer has a government title or other document of ownership of the mine denounced.
2. When the opposer has a deed revalidated in conformity with the Code.
3. When the opposer is the first discoverer of the mine, and proves it with a copy of the notice (*aviso*) given of the discovery.
4. When, at the time of the discovery of the new claimant, the opposer is in possession of the mine, given to him by competent authority. In all these cases it shall be proved even summarily that the mine denounced comprehends the whole or a part of the mine to which the opposition refers.

ARTICLE 54.—Articles 17 to 21 inclusive, 38, 87, 150, 223, 260 and 390 of the Code of Mines and the Law 209, which adds to said Code, are hereby repealed.

GIVEN IN MEDELLIN, SEPTEMBER 17, 1875.

The Pres., Mariano Ospina. Sec., Julian R. Gallo
Executive Mansion, Medellin, September 20, 1875.
Execute, Recaredo de Villa. [L. S.]
The Secretary of State, Luis M. Mejia Alvarez.

LAW 38, ADOPTED DECEMBER 4, 1877, WHICH ADDS
TO AND REFORMS THE CODE AND
LAW 292 OF 1875.

The Assembly of the State of Antioquia decrees :

ARTICLE 1.—Article 6 of Law 292 is hereby repealed, and Paragraph 7 of Article 33 of the Code remains in force.

ARTICLE 2.—The 2.4 centigrams of gold which must be presented by the denouncers of mines, shall be kept in the Treasury Department, and duly recorded. The product of its sale shall be annually added to the common funds of the Treasury of the State.

ARTICLE 3.—Article 17 of Law 292 is hereby repealed, and Article 72 of the Code remains in force.

ARTICLE 4.—In the future the ownership of the mines found in the bed of the Cauca River and in its shore to high flood mark, shall not be conceded to any one, neither shall the ownership of the mines already denounced in said river be granted. These shores shall in the future be for the common use, always provided that the workers do not interfere one with the other. In case of interference or molestation, the police can intervene to the end of establishing law and regularity in the works. Concessions which may have been made to the present time of the mines mentioned, do not prevent the custom of the poor of the neighboring towns, possessed by them from time immemorial, of extracting by hand the gold thrown up by the sands of said river.

ARTICLE 5.—To Article 175 of the Code shall be added the following :

“Those mines whose working would dirty the waters ordinarily made use of by towns, or used in agricultural or industrial establishments in general, can not be worked, whether such establishments are of public or private ownership. However, notwithstanding the foregoing, such mines may be worked, always provided that the owner or manager of said mines shall previously provide for said towns or industrial establishments a sufficient quantity of clean and potable water, the same to be decided as follows : In the case of towns, the municipal corporation of the district shall be the sole judge. In the case of industrial establishments, three referees shall be appointed, one by the owner or manager of the industrial

establishment, a second by the owner of the mine, and a third by the Alcalde of the district. It is the duty of the Alcalde of each respective district to enforce the provisions of this article, imposing for each infraction thereof a fine of from five to fifty dollars or imprisonment from ten to forty days. In case the Alcalde of the district should, from negligence, not comply with any of the provisions of this article, he shall incur a fine of from twenty to fifty dollars, which the Prefect of the Department shall impose upon him, on petition of any interested party. The decisions that may be dictated are appealable before the Executive."

ARTICLE 6.—Article 14 of the Code shall read as follows :

"Notwithstanding the provisions of the preceding articles, the notice (*aviso*) given to the Alcalde, shall not establish any right in favor of him who gives it, if the mine is found to be of the class provided for in Articles 78 and 342 of the Code, or in Article 33 of Law 292."

ARTICLE 7.—To Article 218 of the Code shall be added the following :

"Provided that the owner of a mine suspends its working, without, however, leaving it deserted or abandoned, according to the law, any other owner of mines can take for said mines, the waters which were used in the suspended mine, always provided that in the opinion of referees he needs said waters, and always without prejudice of restitution, as soon as the owner of the suspended works shall resume working, unless it be that he shall have lost his right by abandonment of the mine. The highest judge of the place in which the mine is situated, is competent to choose the referees that must decide upon the question of the necessity of the waters."

ARTICLE 8.—To Article 282 of the Code shall be added the following :

"When a mine does not lend itself to an easy division, proceed in accordance with the provisions of Article 1,390 of the Civil Code."

GIVEN IN MEDELLIN, DECEMBER 1, 1877.

The Pres., Manuel Uribe, A. Sec. Isidoro Silva, L.

The Executive Mansion of the Sovereign State of Antioquia,
MEDELLIN, Dec. 4, 1877.

Publish and execute. JULIAN TRUJILLO. [L. S.]

The Secretary of Hacienda, JOAQUIN ECHEVERRI.

INSTRUCTIONS ABOUT MINES.

The following instructions were published by Senor Abraham Moreno, Secretary of Hacienda, and authorized by the Executive of the State of Antioquia, November 26, 1867.

As an authoritative exposition of the working of the law they should be studied in connection with it.

DESPACHO DE HACIENDA

SECTION I—MEDELLIN, }
NOVEMBER 26, 1867. }

The importance of mining in Antioquia and the duty of the Government to protect the rights and privileges of miners; the fact that a new Mining Code has been enacted, and the general lack of information, on the part of clerks and officials, make indispensable a clear and simple manual of instruction, that shall serve to render proceedings in the offices uniform and methodical, and to avoid the confusion and delay caused by ignorance of the law.

Consequently, the undersigned by authority of the Executive of Antioquia has compiled this manual of instructions not only for the use of public officials for whom it is especially destined, but also for all interested, who may be in ignorance of the new legislation.

I.—DISCOVERY OF MINES.

All Alcaldes shall keep a book, in which to record the notices (*avisos*) made by discoverers of mines. In order that the book may fulfil its purpose, it must be of good paper and well bound, so that it shall be impossible to add or take leaves from it.

Each leaf must be paged and *rubricada* by the Alcalde and his secretary, writing on the first page a note stating the destined use of the book. (See Form 1, page 96).

Four kinds of notices will be entered in this book, to wit:

1. Notices given of the discovery of new mines according to Article 8 of the Code.
2. Notices given by owners of mines having a deed in order to secure a title from the Government in accordance with the provisions of Article 79.
3. Notices given of abandoned mines as per Article 346, and
4. Notices given of the claims made on worked lodes, or of

claims made of excess of land taken by others, as per Article 367.

The Alcalde shall enter their notices with the greatest clearness, so that one mine may never be confounded with any other, for which purpose he shall demand the necessary particulars (data) from the claimant and shall note any details the claimant may desire to have made.

Each notice shall be numbered strictly in the order received, dated, and the hour of reception of the notice shall be stated as nearly as possible. See Form No. 2.

All notices which are recorded in this book shall be published by proclamation for the four days following the day of entry and in the margin the fact of such publication shall be noted and signed by the Alcalde and his secretary.

Under no pretext shall any erasures, additions or interlineations be made in this book, because any such will vitiate the entries. If any error shall occur it can be corrected by a foot note placed before the signature. See No. 3.

II.—DENOUNCEMENT OF MINES AND THE DUTIES OF THOSE DENOUNCING MINES.

The ownership of mines may be claimed for three reasons, as there are three classes of mines open to claim: (1) Those just discovered, (2) those abandoned by their former owners, (3) and the illegal excess of a lawful grant.

Having discovered a mine of either of these classes, the discoverer shall first come before the Alcalde of the district in which the mine is situated, in person or by attorney, giving him notice of the discovery, of the name and of the exact situation of the mine.

He shall also state under which of the three heads above named he wishes the mine to be granted to him, having in view, as the case may be, Article 8, 346 and 367.

Within ninety (90) days thereafter he must place the denunciation in writing before the Executive Power, stating the details in accordance with Form 4, and accompanied by a copy of the notice first made; with these writings must be forty-eight (48) grains of gold* from the mine to be sent to the Admin-

*This provision has been repealed.

istrator General del Tesoro. If it is a vein mine, a sample of the mineral should be sent.

Form No. 5 is followed in the case of mines denounced as abandoned.

When claiming the surplus land on a working mine two cases occur :

1. When the excess consists of claims (*pertenencias*) in excess of the legal number.
2. When the excess arises from error in the measurement or the calculation made by the interested party for the purpose of paying the tax spoken of hereafter.

In the first case, within the stated ninety days, the claimant must go to the owner of the mine, the excess of which he desires to acquire, and demand in the regular way that he shall establish the lawful boundaries of his mine by a competent court.

In order to save time, it is well to denounce the mine to the Executive Power at the same time, so that, should the decision be favorable, he may proceed at once to measure and take possession of the mine. See Form No. 6.

In the second case the denunciation must be brought before the Executive Power within 90 days following the date of the notice. See Form No. 6.

Furthermore, the principal duties, the omission of which, by those who denounce mines, will cause loss of the rights acquired, are the following :

1. The denouncement to the Executive Power within ninety days.
2. To present the *cartel* to the commissioner appointed to give possession, when said *cartel* is given to the denouncer, within the time needed for travel to such commissioner and twenty days additional, said time to count from the date on which he received the paper from the Secretary of Hacienda.
3. To ask possession of the commissioner within sixty days following the expiration of the posting of the cartel, or if there has been opposition, within sixty days from the day on which he received the decision sent him by the Circuit Judge.
4. To be present to receive possession on the day appointed ; this may be done in person or by agent. When done by agent see Form 7.

5. To ask the deed of the Executive Power within sixty days following possession. It is understood that this is done, whenever the necessary fees are paid to the Administrator General of the Treasury and the necessary stamped paper sent to the Secretary of Hacienda.

6. To annually pay the tax mentioned in Article 142.

It is well to remember that he who possesses and works a mine without a deed may acquire one by fulfilling the requirements of Articles 78, 79, etc.

III.—POSSESSION OF MINES.

The formalities that an officer with administrative jurisdiction should comply with in giving possession of a mine, when authorized by the Executive Power, are as follows :

1. To write on the executive commission a note of compliance, more or less in the terms of Form No. 8.

2. To post in the most public place of the chief town of the district the notice (*cartel*), that must accompany the official papers, on the day after its reception, adding at the foot of the notice a note as per Form No. 9.

The cartel should remain posted for three consecutive weeks (or 21 days), after which it is taken down and on it a note is made as per second part of Form No. 9. It must be left at *least* twenty-one days.

3. To publish this notice by town crier on each of the three Sundays following the date it was posted, noting this on the cartel each time. See Form 10.

4. To personally cite the last owners of the mine, if the mine is denounced as an abandoned mine, before proceeding to give possession. This is done by making them know of the denunciation and of the official decree admitting it. See Form No. 11.

5. Whenever the former (last) owners are not found in the district in which the commissioner gives possession, a requisition shall be sent at once to the Alcalde of the place where they are to be found, stating the facts mentioned before. See Form No. 12.

6. If the denouncer does not know the last possessor, or if he is not to be found in his vicinity or at the place of his last residence, the commissioner shall affix to the official record an edict making the notification, and publish it for two days run-

ning, making a note in the official record, and sending a copy to the Secretary of Hacienda for publication in the official newspaper. See Form No. 13.

The notification is understood to be made at the end of thirty days, and within thirty days thereafter the last owners may appear. Consequently possession is only given sixty days after the date of the official journal containing the edict.

7. If there is verbal opposition to the denouncement, note should be made as per Form No. 14.

If the opposition is in writing, a note shall be added naming the day and hour of presentation, signed by the Alcalde and his secretary.

Opposition can be made on the date the denuncia'ion is admitted and up to the day on which the posting is discontinued.

The last owners of a mine denounced as abandoned can oppose at the time of their citation, or, when they have been cited by summons, within the time given for travel and twenty days more, or, when the citation is by published edict, within sixty days.

The owner and denouncers of an adjacent mine can oppose at the time of giving possession. Any opposition can not interfere with posting notice of possession.

8. In any of the cases of opposition just named, the commissioner shall recite in a single document ail of the writings hitherto made, and shall send them to the Circuit Judge of the district in which the mine is situated. If the mine is located in two or more districts, the official document shall be sent to the judge named by the majority of the opposers; in case no election is so made of a judge the documents shall be sent to the Circuit Judge of the district where the Alcalde resides who must give possession.

9. If there should have been no opposition and the denouncer demands possession within the sixty days following the day on which the posting of the notice of possession was discontinued, or if after opposition the official papers were returned by the Circuit Judge permitting possession to be given and the claimant claim possession within sixty days following the receipt of such decision, the commissioner shall order a decree announcing when he will give possession, also ordering the owners and denouncers of neighboring mines to appear.

He shall also name one or two experts, who shall be sworn for the proper survey of the mine. It must be remembered that not only the owners of adjacent mines are cited but also those who by earlier discovery might have a right to the mine. For this reason we say owners and denouncers of adjacent mines. See Form No. 15.

10. All of these formalities having been complied with, the commissioner shall go to the point where the mine was discovered for the purpose of giving possession and shall so do if there is no opposition from the owners or denouncers of adjacent mines. If there is any opposition he shall immediately suspend the act of giving possession and send an official statement of the proceeding to the Circuit Judge. See Paragraph No. 8. *ante*.

The act of giving possession shall be commenced by the measurement of the mine by the experts. This may be omitted, if the claimant is satisfied with a claim less than the lawful amount.

But this can only be done in the place claimed, *i.e.*, where the mine was stated to be situated. If there is no secretary present, the paper must be witnessed by two persons duly sworn. See latter part of Form No. 15. For note of possession see Form No. 16. Even if the mine is not surveyed, it must still be marked by posts or land-marks.

The mode of giving possession of the excess or continuation of a mine is altogether different.

This last is as follows: 1. The Alcalde, having received the official papers from the Executive Power; shall notify the owner of the mine and the denouncer of the excess, that each must within twenty-four hours name an arbitrator for the survey of said mine and such excess.

2. If the interested parties can not be found the Alcalde shall proceed as in Paragraph No. 7, *ante*.

3. Notwithstanding, if the arbitrators are not promptly named by the interested parties, they shall be named by the commissioner whose duty it is also to name the third.

4. Owners of adjacent mines shall be cited to appear at the time of giving possession, and they only have the right to oppose.

If any one of them should oppose, the act of giving possession is to be suspended, but if any part of the land denounced

should not be claimed by them, possession of such part shall at once be given the denouncer.

5. Possession having been given, the official papers shall be given the Executive Power, or, in case of opposition, they are given to a competent tribunal.

It is necessary to say that the denouncer must inform himself of the day upon which possession is to be given, because if absent (or not represented) he loses his right to the claim.

IV.—EXTENSION OF MINES.

The meter is the unit of lineal measure.

The *granadinas* measures used in this work are as follows :

The miriameter is=two leguas granadinas.

The kilometer=two cuadras and 50 varas granadinas.

The hectometer=one cuadra and 25 varas granadinas.

The decameter= $12\frac{1}{2}$ varas.

A meter= $1\frac{1}{4}$ varas.

A decimeter= $\frac{1}{8}$ varas.

A centimeter= $\frac{1}{2}$ inch.

A millimeter= $\frac{1}{2}$ line.

That is to say, five kilometers make a *legua* of sixty-two and a half *cuadras* of a hundred *varas* each, which equal a *granadina*.

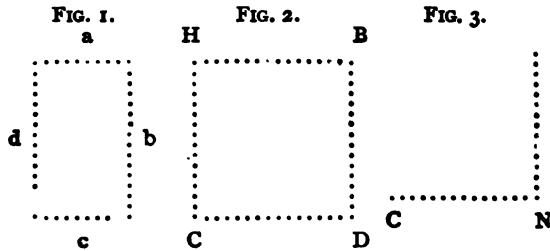


Fig. 1 shows one claim (*pertenencia*) of a vein mine. The lines of the sides, *d* and *b*, which are parallel, are 600 meters each, and represent the length of the claim; the lines of the sides, *a* and *c*, are 240 meters each. They are also parallel, and represent the width of the mine. Whatever the number of claims (*pertenencias*) given in a vein mine, the width is always the same. The shape of two or more claims (*pertenencias*) which are given is contained in the lines *d* and *b* prolonged.

The quadrangle (square) shown in Fig. 2 has all the sides

equal and represents the full grant of a placer gold mine. Each one of the sides contains five kilometers or one *legua*.

The measure of the mines must be commenced by taking as a base the line between two points and following in the direction of a third, which must be clearly described in the denouncement. See Article 24.

For example, in Fig. 3, *c* and *n* are the two points that serve as the base, and the claim is laid in the form of a rectangle and to the north or south of it, as the denunciation demands.

The measurement of the excess must adjoin the legal claim, so that there can be no land which may be claimed between them. It is to be remembered that the measurement of the mine is made on the surface of the land and not on a horizontal plane. About the size see Chapter III.

V. FEES, TAXES, ETC.

For each mine which is denounced, whatever the class, there must be paid five *pesos* to the Administrative General del Tesoro. This is to be receipted for on the bottom of the paper of denunciation. See Article 1, Law 14.

For the deed the fee is ten *pesos*. Owners of mines must pay annually according to the class of the mine—for each full legal claim on a vein mine two *pesos*, and for any fraction of a claim, two *pesos*. See Article 12, Law 38.

For a full size placer gold mine, the tax is five *pesos* annually, and for any part of a full claim a proportionate part of this tax. See Article 4, Law 14.

If the mine is of an irregular shape, it shall be measured and its tax will be in the same proportion as for a full claim given in Chapter III.

The payment of this tax is all that is necessary to preserve ownership of any mine legally acquired, whether it is worked or idle (*en estaca*); consequently all mines of whatever nature are subject to this tax, which must be paid during each year after January 1, 1868. If a mine is discovered after January of any year, it is reasonable to suppose that the tax is proportional, but the law is not clear on this point.

It may be paid into any collecting office de Hacienda, but it must not be forgotten that it is not considered paid until it has reached the treasury or its branch offices.

The first time the tax is paid the owner or his agent must

give a detailed statement of the location of the mine, its size, its boundaries and its usual or actual name. There must also be named the length of the line that served as a base in the survey.

The collectors to whom the tax is paid shall give a provisional receipt stating the items just mentioned, and shall send the money immediately to the treasury office in that district.

The Circuit Administrator, whether the tax is paid to him or a provisional receipt is handed him (having received the money sent by the collector), will give a receipt in due form. See Form No. 17. This receipt is valid in court. This administrator shall keep a book in which all the facts named in the receipt, also its number and date shall be noted, and each year, not later than in February, he shall send a copy to the treasurer.

The Secretary of Hacienda, Abraham Moreno.

FORMS.

THE BOOK kept by the ALCALDE of each MUNICIPAL DISTRICT for the purpose of recording the notices presented to him according to the provisions of Articles 8, 79, 346 and 367 should be plainly inscribed on the first page, as follows :—

NO. 1.

ALCALDIA MUNICIPAL. [NOVITA 1° ENERO de 1889.]

Libro formado por el infrascrito Alcalde Municipal en cumplimiento del Artículo nueve (9) del Código de Minas, para anotar los avisos, que se le den en virtud de los Artículos 8, 79, 346 and 367 del mismo Código, de las minas que se descubran ó se pretenda adquirir ó cuya propiedad se quiera asegurar, en este distrito.

Dicho libro se abre hoy y consta de (*here write No. of leaves*) fojas en blanco, foliadas y rubricadas por el Alcalde y su Secretario que suscriben; todo lo cual certificamos en debida forma.

EL ALCALDE MUNICIPAL.

EL SECRETARIO.

[Signature of Alcalde.]

[Signature.]

N—N—

N—N—

NO. 2.

Form of notice required by Articles 8, 79, 346 and 367. The notice should be written on stamped paper of the First Class. (Price 20 cents per sheet).

The person presenting the notice should see for himself that the notice is properly recorded and that no interlineations or erasures are made. Errors, if made, can be corrected in a note following the notice. (See No. 3).

NUMERO 1.

[CALI, cuatro de Enero de mil ocho cientos ochenta y nueve a las ocho de la mañana].

En la fecha y hora indicados ante mi (*here put name*)

N—N—

Alcalde Municipal del distrito se ha presentado N—N—vecino de diciendo: que en el (*punto*,

cerro, rio, quebrada o amargamiento) denominado . . .
 . . . en la fraccion de esta jurisdiccion ó cerca de
 (here put the name of some known places near the mine) el ha
 discubierto una mina de [*enteramente
 nueva o abandonada, de vela o aluvion, a continuacion de la mina, en la
 cual se entrego al Senor mayor exten-
 sion de la 'que le concede la ley*] [here add
 such explanations as are necessary]
 que este aviso lo da en su propio nombre (*o como recomendado del
 Senor N—N—*) y en cumplimiento del Artículo 8, 79, 346 o 367
 [as the case may be] del Código de Minas.

Para constancia firman esta diligencia, el Alcalde Municipal,
 el interesado, los testigos N. N. y N. N. y el Secretario.

EL ALCALDE MUNICIPAL.

EL INTERESADO.

[*Signature,*]

[*Signature.*]

Testigo.

Testigo.

EL SECRETARIO.

When this notice is cried by town crier, it should be noted
 in the margin as follows :

Esta diligencia se publico por bando en el dia—[here put
 date, year and month. Copies can be written on ordinary
 paper and signed]—es fiel copia—El Secretario.

NO. 3.

[When errors are made in recording the notice, they should
 be corrected in a note below, and signed by Alcalde, secretary
 and witnesses, giving the number of the line on which is the
 error and the words each side of the wrong word or phrase.]

NO. 4.

MODEL FOR THE DENOUNCEMENT OF A MINE OF NEW DISCOVERY.

Señor Gobernador del Departamento.

Yo, [*Name of denouncer*] vecino de [*Residence*] ante vos
 expongo :

Que en el (*punto, cerro, rio, quebrada, falda o amargamiento*)
 denominado fraccion de, en la
 Provincia de, correspondiente al distrito de
 . . . he descubierto una mina de

[here put the kind and class of mine] enteramente nueva: y deseando obtener la posesion y propiedad de ella para mi (y los Señores) [here place the names of associates] la denuncio con tal objeto en debida forma. [In case there are associates state the interest of each one].

No teniendo como no tiene nombre especial la mina deseo que sea conocido con [Here put name of mine].

Fijo desde ahora los puntos [Here name the two extremities of the line chosen as a base] como base para la medida de la mina debiendo seguirse esta en la direccion [Here give directions for the measurement], y reservandome para ejercerlo en el acto de la posesion, el derecho de alteracion que concede el Artículo 26 del Codigo de Minas.

[If the denouncer wishes he can denounce less than a full claim. By so doing he evades the necessity for measuring the mine. The preceding paragraph should be omitted and the following used.]

Deseando evitar dificultades en la mensura declaro que me conformo con la extension comprendida entre los puntos ó linderos siguientes [Here name the proposed boundaries] cuya extension es conocidamente menor de la que debe concederme segun el Artículo 28 del Codigo de Minas.

[THE DENOUNCEMENT when made by a company should contain the following clause.]

El Presidente ó Director de la Sociedad para la cual denuncio la mina es el Señor nombrado segun lo dispuesto en el Artículo 283 del citado Codigo.

Acompaño copia de la diligencia en que consta el aviso que di al Señor Alcalde de conformidad con lo dispuesto en el Artículo 8 del Codigo ya citado.

Os pido en consecuencia, que os sirvais disponer que se le dé el curso legal á esta denuncia.

[Here the place and date.]

AL SEÑOR GOBERNADOR DEL
DEPARTAMENTO.

[Here signature of denouncer.]

NO. 5.

MODEL FOR THE DENOUNCEMENT OF AN ABANDONED MINE.

ñor Gobernador del Departamento :

Yo [name of denouncer] vecino de [residence] con el debido respeto represento : que en el (punto, cerro, rio, quebrada, o amagarmiento) denominado correspondiente al distrito de la Provincia de se encuentra una mina de (oro, platina, cobre, o plata,) de (veta o de aluvion) y abandonada, y deseando obtener la posesion y propiedad de ella para [Here the names of owner or owners] la denuncio en debida forma.

La mina que denuncio fué conocido con el nombre de cuando fué abandonada y sus ultimos poseedores fueron los Señores [Here the names of the former owners] vecinos del distrito y actualmente residentes de

[If neither the former name of the mine nor that of the last owner is known substitute the following for the preceding paragraph.]

Ignoro cual fué el nombre de la mina y cuales fueron sus ultimos poseedores.

La mina tiene una extension de y los linderos siguientes; [Here give the boundaries.]

El Presidente ó Director de la Sociedad para cual denuncio la mina es el Señor [Omit this paragraph unless the mine is denounced for or by a company].

Acompaño tambien copia de la diligencia en que consta el aviso que di al Senor Alcalde del distrito de conformidad con lo dispuesto en el Articulo 346 del Codigo de Minas.

Os pido en consecuencia que os sirvais disponer que se le dé el curso legal a esta denuncia.

[Here place and date.]

AL SEÑOR GOBERNADOR.

[Here Signature.]

NO. 6.

MODEL FOR THE DENOUNCEMENT OF THE CONTINUATION OF A MINE.

Yo, ... vecino de
 . . . usando del derecho que me confiere el Artículo
 366 del Código de Minas ante vos expongo lo siguiente: que en
 la mina situado en la paraje . .
 del distrito
 . se entregó al Señor una
 (or dos, tres, as the case may be) pertenencias mas de la que le cor-
 respondia segun el Artículo 21 de dicho Código, [*Or if the*
error was one of measurement, leave out that part of the preceding para-
graph following the name of the district, and put the following.] Entre-
 gado al Señor hubo error en la
 medida ó en el calculo hecho por el interesado para pagar el
 impuesto.

Por tanto denuncio ante vos el exceso de la mina citada para
 que se me adjudique conforme al Artículo 371 y sus concord-
 antes del Código. Presento copia de la diligencia extendida
 segun el Artículo.

[Place and date.]

AL SEÑOR GOBERNADOR.

[Signature.]

NO. 7.

MODEL OF SPECIAL POWER OF ATTORNEY TO DENOUNCE OR RECEIVE POS-
SESSION OF A MINE IN NAME OF ANOTHER.

SEÑOR ALCALDE MUNICIPAL.

Yo, ... vecino de
 . . . usando del derecho que me confiere el Artículo 53 del
 Código de Minas ante Ud expongo: que doy poder bastante y
 cuanto por derecho se requiere al Señor
 . vecino de para que repre-
 sentando mi propia persona, derechos, y acciones pueda el
 denunciar y recibir la posesion de la mina denominada . .
 y situado en
 de este distrito.

Autorizo competentemente al Señor
 para que represente mi persona en este asunto tanto en el acto

de la posesion como en los que con el se relacionan y para que pueda sustituir este poder si lo estimare necesario.

[*Here place and date.*]

[*Signature.*]

[*This memorial must be personally presented to the Alcalde and must have the word "aceptado" (accepted) written upon it by the person to whom the power of attorney is given, and it must be also signed by him.*

The Alcalde must then write as follows :]

ALCALDIA MUNICIPAL.

[*Place and date.*]

Este memorial fué presentado personalmente por el poder dante Señor a los infrascritos Alcalde y Secretario en la fecha indicado.

ALCALDE MUNICIPAL.

SECRETARIO.

[*Signature.*]

[*Signature.*]

[Without the acceptance it is not valid, and it must be written on stamped paper of the First Class.]

NO. 8.

[THE GOVERNOR upon receiving a denouncement appoints a commissioner, generally the Alcalde of the Municipal District in which the mine is situated, to give possession of the mine. To the commissioner is sent a cartel, to be published for three weeks. The commissioner must acknowledge it as follows:]

ALCALDIA MUNICIPAL.

[*Place and Date.*]

Recibido este expediente en la fecha de manos del Señor (or, del Señor Administrador Municipal de Correos.)

Cumplase lo que ordena el Poder Ejecutivo por conducto de la Secretaria de Hacienda en la resolucion de la fecha ;
Fijese inmediatamente el Cartel en el paraje publico acostumbrado por el termino de veintiun dias y densele los pregones del caso.

Citese personalmente á los Señores ultimos poseedores de la mina denunciado [*In case the mine was denounced as abandoned.*]

ALCALDE.

SECRETARIO.

[When this cartel is posted, a note, signed by the Alcalde

and Secretary, must be written upon it. When taken down at the expiration of twenty-one days, another note shall be added stating the fact.

It is to the interest of the denouncer of a mine to see that these requirements are fulfilled.]

NO. 9.

MANNER OF NOTING THE POSTING OF THE CARTEL.

Novita, Junio 17 de 18—a las doce del día.

En la fecha y hora espresadas, se fijo este cartel en el lugar público acostumbrado ; de lo cual damos fé.

ALCALDE MUNICIPAL.

SECRETARIO.

[*Signature.*]

[*Signature.*]

MANNER OF NOTING THE REMOVAL OF THE CARTEL.

Novita, Julio 8 de 18—a las doce del día.

En la fecha y hora espresadas fué desfijado este cartel para agregarlo al expediente ; de lo cual damos fé.

ALCALDE MUNICIPAL.

SECRETARIO.

[*Signature.*]

[*Signature.*]

[This cartel should be publicly read by the town crier on three market days, and it shall be so noted on the Cartel.]

NO. 10.

En la cabecera del distrito de . . . el
día . . . de . . .
se publicó la primera vez por bando en la plaza principal, el
cartel referente á la mina . . . de que
trata este expediente ; de lo cual damos fé.

ALCADE MUNICIPAL.

SECRETARIO.

[*Signature.*]

[*Signature.*]

[For the second and third publication the same note must be made and signed, except that the words *primera vez* are changed to *segunda vez* and *tercera vez* as the case may be.]

[If the mine was denounced as abandoned, the last owner or owners should be personally notified, and such notification should

be written on the cartel and signed by the person receiving it, or in case he can not, or will not sign, it must be signed by a witness.]

NO. 11.

NOTIFICATION OF LAST OWNER OF AN ABANDONED MINE.

En el día de
 . . . se hizo saber al Señor
 último poseedor de la mina denunciada, el escrito de denuncia y
 la resolución de fecha en que se
 manda dar la posesión.

ALCALDE MUNICIPAL.

SECRETARIO.

[Signature.]

[Signature.]

[In case of opposition, it must also be noted.]

NO. 12.

EXHORTO ORDERING THE CITATION OF LAST OWNERS OF AN ABANDONED MINE.

República de Colombia, Departamento de
 . . . Alcaldía Municipal del distrito de
 . . . Hace saber; que el Señor
 denunció ante el Poder Ejecutivo una mina ubicada en este
 distrito. segun el escrito que con la providencia que á el
 recayó son del tenor siguiente: [Here give copy of denounce-
 ment and of the cartel.] Por tanto, y habiendose mandado
 citar á los ultimos poseedores de la mina denunciada que son
 los Señores residentes en ese dis-
 trito, se libra el presente exhorto para que Ud. se sirva hacerles
 saber su contenido y devolverlo oportunamente.

ALCALDE MUNICIPAL.

SECRETARIO.

[Signature.]

[Signature.]

NO. 13.

FORM OF NOTICE POSTED IN ALCALDIA AND PUBLISHED IN OFFICIAL JOURNAL.

El Alcalde Municipal de hace
 saber al Señor y á todos aquellos
 á quienes pueda interesar; que el Señor
 denunció ante el Poder Ejecutivo del Departamento,

como abandonado una mina de [Here kind of mine] situada en este distrito en el paraje de . . . y dentro de los puntos [Here name boundary marks] ; que el infrascrito ha sido comisionado para dar la posesión de dicha mina ; y que si tienen que hacer valer algún derecho deben ocurrir dentro de sesenta días contados desde la publicación de este edicto en el periodico oficial, ante la autoridad competente.

ALCALDE MUNICIPAL

SECRETARIO.

[Signature.]

[Signature.]

[The opposers being duly notified in this manner, the following note should be included in the official account of the proceedings.]

En el día . . . de 18 . . . se citó por medio de un edicto a los ultimos poseedores que no han sido hallados, cuyo edicto se publicó en [Here name journals] días de concurso y se remitió á la Secretaria de Hacienda.

ALCALDE MUNICIPAL

SECRETARIO.

[Signature.]

[Signature.]

NO. 14.

MANNER OF NOTING OPPOSITION.

En el día . . . de . . . se presentó ante el infrascrito Alcalde Municipal el Señor . . . y dijo ; que se opone por si (ó á nombre del Señor . . .) á la denuncia de la mina . . . hecha por el Señor . . . y á la cual se refieren estas diligencias. Se le advirtió que debía formalizar su oposición dentro del término legal.

ALCALDE MUNICIPAL

SECRETARIO.

[Signature.]

[Signature.]

The cartel having been posted the twenty-one days required by law, the denouncer has sixty days in which to ask the possession of the mine.

The possession having been asked, the Alcalde must within twenty-four hours appoint a day on which to give it.]

NO. 15.

MODEL OF THE DECREE APPOINTING A DAY TO GIVE POSSESSION.

ALCALDIA MUNICIPAL.

[Place and Date.]

Habiendose presentado en la fecha el denunciante (or, *el*
Senor *con poder bastante el que se agrega*)
 pidiendo posesion de la mina sobre que versa este expediente se
 resuelve: Senalase para que tenga lugar dicho acto el dia
 de los corrientes a las
 del dia, en el punto de Hagase saber
 al denunciante ó a su apoderado con la debida anticipacion
 para que suministre el recaudo necesario de conformidad con
 lo dispuesto en el Artículo 58 delCodigo de Minas.

Se nombra de perito para medir la mina denunciada al Señor

.
 Notifiquese este decreto a los dueños y denunciantes de
 minas colindantes.

ALCALDE MUNICIPAL.

SECRETARIO.

[Signature.]

[Signature.]

[This notice must be presented to the denouncer and signed
 by him.

It must also be presented to the owners or denouncers of
 adjacent mines and signed by them. Finally, the person named
 to measure the mine must sign his acceptance and take oath to
 perform his duties according to his best knowledge and belief.

Upon the day appointed all the interested parties must be at
 the mine.

The mine is measured and boundary marks made and cor-
 ner posts placed.

NO. 16.

THE WRITING (DILIGENCIA) OF POSSESSION.

En el distrito de à las *doce* del
 dia de
 de 18 se constituyo el Alcalde
 Municipal en el paraje de hallan
 dose presentes los Señores y el
 Secretario, manifesto que por Comision del Poder Ejecutivo iba
 a dar posesión al Señor de la mina

de (*veta o aluvion*) descubierta en el punto donde estaba situada ;
 y en efecto dispuso que el perito
 procediese á la medida del [here put form of claim.] En con-
 sequencia se colocó un majon de—a—à
 á donde dieron Kilometres á
 pasando por los puntos A. y B. en direccion
 al segun el escrito de la denuncia.
 [Here describe survey of mine with boundary marks.]

This having been done, the Alcalde asks if any one present
 wishes, as owner or denouncer of an adjacent mine, to oppose
 the granting of the possession. This question being answered.
 in the negative, he shall then proceed as follows:] “Yo, . . .
 Alcalde Municipal de este distrito por
 comision del Poder Ejecutivo y en nombre de la Nacion y por
 autoridad de la ley, doy en debida forma posesion legal y
 material al Señor para si (*or para*
el Señor) de la mina de
 situada en este paraje de
 dentro del cuadrado (*or rectangulo*) que acaba de
 medirse junto con los cauces de las aguas alli comprendidas,
 sin perjuicio de los derechos legitimos adquiridos en ellas por
 un tercero.

Habiendo el denunciante (*or quien lo represente*) manifestado
 que recibia la posesion y quedaba conforme con ella, declaró
 terminado y consumado el acto.”

[All the details of granting the possession must be written
 according to Form 16, on stamped paper, signed by the Alcalde,
 the denouncer, or his attorney appointed to receive possession,
 by the surveyors, and by the secretary, who finally attaches
 it to the cartel.

All of these documents should then be sent to the Governor of
 the Department, who will then grant a title or deed.

As the title granted consists of a recital of all the various
 acts necessary to obtain it, vide Articles 73 and 74 of the Code
 and Articles 18 and 19 of Law 292 ; it is of the utmost import-
 ance that each act be legally executed and to this end, the
 Forms given should be carefully followed.]

NO. 17.

TAX RECEIPT.

Republica de Colombia, Departamento de . . .

Administracion de Hacienda del Circuito de . . .
[Place and Date].

Pagó el Señor . . . la suma de pesos
. . . [number], impuesto correspondiente á
una extensión de [give area of claim] y por el año de 18 .
. . . de la mina denominada . . .
. . . y situada en el paraje de . . .
del distrito de . . . bajo los linderos
siguientes : [here give boundaries.]

EL ADMINISTRADOR.

[Signature.]

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AND
DETERMINATIVE MINERALOGY.

BY

F. M. ENDLICH, S. N. D.,

MINING ENGINEER AND METALLURGIST,
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Chapter III.—Tables giving Reactions for the Oxides of Earth and Minerals.
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